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Government
Publications



No. 58A

N° 58A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

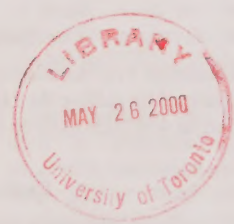
Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 15 May 2000

Lundi 15 mai 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 mai 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

POLICE WEEK

Mr Dave Levac (Brant): Today marks the beginning of Police Week. From today, Monday, May 15, to Sunday, May 21, communities all across Ontario will have an opportunity to see and hear what our police service does to keep us safe and secure.

I know that we are fortunate and blessed to have such a professional and dedicated group of women and men who give of themselves to do a job that few people could do. This is one of the very few professions in which when you go to work you could make the ultimate sacrifice as part of your job.

To the women and men of our police service, we say thank you. Thank you for the job you do day in and day out. You are appreciated and respected.

To the families, loved ones and friends of our police officers, we say thank you. Thank you for sharing these noble women and men with us. Thank you for your patience and understanding about the career path they followed.

To the community partners that help our police service and make their jobs just a little easier to do, we say thank you.

To the citizens of Ontario, I ask that when you visit the displays in the malls and in the open houses at the police stations, the career days at our schools, or wherever you find a police officer, you take the time to say: "Thank you. Thank you for a job well done."

It's time to show our appreciation and say thank you to the men and women who keep us safe and secure. Let us not take any of our public servants for granted.

ONTARIO BUDGET

Mr Doug Galt (Northumberland): The 2000 budget recently introduced by the finance minister marks the start of a new era in Ontario. The budget was a reason to celebrate, because for the first time in over half a century Ontario's budget has been balanced for two consecutive years.

In the days following the budget announcement, I was absolutely shocked and disgusted to see that Prime

Minister Chrétien was trying to take credit for Ontario's balanced budget. The Prime Minister completely misrepresented the facts when he stated that the federal government's actions allowed Ontario to balance the budget. The Ontario budget is balanced because of job growth and economic prosperity that is the result of our government's fight against taxes.

The Prime Minister seems to forget that his government did everything possible to offset the benefit of tax cuts to Ontarians. While we were cutting taxes, he was raising the Canada pension plan and employment insurance premiums. The credit for a balanced budget surely doesn't rest with Mr Chrétien. The credit rests with those hard-working Ontarians who have stimulated the economy by spending their tax cuts in this province.

Instead of taking credit for our success, Mr Chrétien should be thanking our government. The federal government's budget has only been balanced as a result of Ontario's economic growth.

Our budget was a monumental day for Ontarians and our government. I find it absolutely appalling that the Prime Minister is trying to take credit for it. Those Liberal scoundrels will do anything to grab the headlines.

PROVISIONNEMENT DE L'ÉDUCATION

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : Je voudrais tout d'abord souhaiter la bienvenue aux élèves de l'école secondaire régionale de Hawkesbury qui nous visitent aujourd'hui. Bienvenue, gens de chez nous.

J'aimerais aussi parler des conséquences de la réduction de 1,4 \$ milliard dans le domaine de l'éducation. On nous a informé qu'il sera nécessaire de fermer au-delà de 130 écoles du secteur rural de l'Ontario, dont certaines de langue française de ma circonscription, d'ici septembre 2001. Pouvez-vous imaginer l'effet de cette annonce s'il s'agissait d'écoles du grand Toronto ? Il semble que ce gouvernement s'attende à ce que l'Ontario rural accepte ces réductions sans rien dire.

Chaque jour je reçois des appels de parents qui s'inquiètent de l'éducation de leurs enfants, et certains se demandent aussi ce qu'ils vont faire parce qu'ils ont besoin de l'aide de leurs enfants sur la ferme familiale après l'école.

La ministre a parlé la semaine dernière des enseignants qui devraient travailler en dehors des heures de classes pour offrir des activités parascolaires aux

élèves. Elle n'a pas besoin de s'en préoccuper dans ma circonscription, parce que nos enfants qui seront appelés à passer plus de temps en autobus ne seront pas en mesure d'assister à ces activités.

Ceci doit cesser, et cesser dès maintenant. Les enfants des régions rurales ont droit à la même éducation que les enfants des centres urbains. Nous devons examiner plus en détail la formule de financement des régions rurales pour nous assurer d'une équité dans l'ensemble de l'Ontario.

COMMUNITY DAY

Mr John O'Toole (Durham): Last Saturday in my riding of Durham the Mearns Park Neighbourhood Watch and Newcastle Optimist Club held a wonderful community event called Respect for the Law, the Environment and the Community Day, a day filled with events, exhibits and entertainment.

The Durham regional police were on hand to register bicycles so that they could be traced, if stolen. The Bowmanville Zoo brought along a rather large boa constrictor that proved to be a big hit with most of the children. The Central Lake Ontario Conservation Authority set up a display for the summer environmental camp. Durham East 4-H club showed up to encourage young people from cities in the Durham area to join this fun and educational community organization.

The Newcastle Optimist club hosted a barbecue. Without Optimists like Connie Trowsse, Reg and Diane Tressider and the president, Marianne Yateman, these community events would not be possible. In fact, Marianne is also the head of the committee that organized this event. Her fellow committee members included: Jane Wraith, Dwayne and Dave Morton, Steve Cooke and Maggie Irvine, Darlene and Dave Boyd, Doreen Gilroy and Shelagh Hannah. I want to congratulate these people, as well as my constituents. It's hard-working volunteers, business and community groups that help make small-town Ontario such a great place to live, work and raise a family.

I know that highlighting these events in the House may seem small to some, but it makes me very proud to represent such strong community builders in my riding of Durham. I'd like all members to take time this summer and visit the riding of Durham.

COMMUNITY LIVING WEEK

Mr Joseph Cordiano (York South-Weston): Yesterday the mayor of Toronto, Mel Lastman, declared the week of May 10 as Community Living Week in the city of Toronto. This is a week that is designated to recognize the ability and rights of developmentally challenged adults and children to participate and live in their communities. The mission statement for the Toronto Association for Community Living is to support the full inclusion of people who are identified as having an intellectual disability in all aspects of community living.

The Ontario-wide organization began in Kirkland Lake in 1947, with the Toronto chapter establishing itself one year later. In the past 50 years, the OACL has grown to over 12,000 members with 100 affiliated local associations.

The Toronto Association for Community Living is an integral part of our city and of our entire community. It provides service to more than 5,000 adults and children with developmental disabilities. There are four branches: Toronto, Scarborough, North York and Etobicoke. The association operates 70 programs.

Recently, I visited the York Employment Training Services Centre in my own riding to view first-hand the good works of the Toronto Association for Community Living. I encourage every member of this House to support their efforts, because we need their help to help others to live and work in our city and in our province.

1340

Ms Marilyn Churley (Broadview-Greenwood): Today marks the beginning of Community Living Week, and I would like to challenge the government to take this as an opportunity to put forward a new plan and a new vision to help people living with developmental disabilities and their families. I challenge the government to:

(1) Adequately compensate workers within the developmental disabilities sector. Low salaries are driving away competent staff and that directly affects people with those disabilities. A survey done by KPMG found that salaries in not-for-profit agencies are 20% to 25% lower than those for people doing similar work in government facilities or other human services sectors.

(2) Recognize that there are a growing number of older parents who are no longer able to support their sons and daughters at home. Without immediate funding and program supports, many individuals will find themselves in crisis, as many are now.

(3) Come forward with a new plan for community-based service, a new vision that will help people living with developmental disabilities better integrate into our communities. This new vision should include a meaningful Ontarians with Disabilities Act that guarantees existing community barriers will be removed and future barriers will be prevented.

Without a meaningful ODA in place, people living with disabilities in Ontario have no guarantee that they can access public buildings, services and programs. The government promised this five years ago. I call upon them again today to bring in this act.

SAM MURPHY

Mr R. Gary Stewart (Peterborough): I'd like to pay tribute to an exceptional resident of Peterborough, Mr Justice Sam Murphy, who recently died at the age of 68.

Sam Murphy was a valuable contributor to his community as a judge, as a lawyer, as a volunteer and as a family person. He has been described as one of Peterborough's favourite sons. Mr Justice Sam Murphy

was a very dedicated lawyer and, following his appointment to the bench in 1979, he served the Peterborough area with tremendous ability and distinction. He became a provincial court judge in 1979, and in 1987 a district court judge and, currently, the Superior Court of Justice. He held this position until his recent death.

Along with his many interests, education was very high on Mr Murphy's list. He served as a public school board trustee and board chairman, and worked with Sir Sandford Fleming College and Trent University.

Sam Murphy was extremely proud of his Peterborough roots. His passing is a great loss to our community, to the administration of justice in the Peterborough area and to his many friends and family members. He was an exceptional person with qualities that will make him long remembered and missed by the residents of Peterborough.

RURAL SUMMER JOBS PROGRAM

Mr Steve Peters (Elgin-Middlesex-London): I draw the attention of this House to the bizarre irony of the 2000 rural summer jobs program announced by the Minister of Agriculture. This program had set itself a goal of providing summer employment for some 4,500 students. The irony is that this government is in the process of eliminating 4,500 student jobs. Why? Because the Minister of Education will not allow the Thames Valley District School Board and others to start their school year a couple of days late, a long-standing tradition and practice around the tobacco farming belt—4,500 student jobs, \$16 million in wages and a minister who refuses to budge. At East Elgin high school in Aylmer, Ontario, within my riding, a full 25% of the students rely on these jobs for income. What will happen to these jobs if they are not given to the students? They will go to foreign migrant workers who will spend their money out of the country.

For years, school boards have delayed the start of the school year, and suddenly the rug has been pulled from under them. The minister refuses to sway from the Tory, one-size-fits-all philosophy. The minister claims that she has no problems with school boards being flexible in terms of how they organize the school year, yet demands that these boards not follow a practice that has been going on in rural communities for years.

Let's be clear here: Who is not being flexible, Minister? With tuition soaring, growing concern over delinquent loans and students graduating with huge debt loads, the government should be more interested in being part of the solution rather than adding to the problem. They might even try using a little common sense. I call on the Minister of Education to reverse this decision.

ONTARIO BUDGET

Mr Wayne Wettlaufer (Kitchener Centre): I rise today to sing the praises of a recent provincial budget.

It's a provincial budget that actually cut taxes; a provincial budget that increased spending on health care; a provincial budget that increased spending on education; a provincial budget that put a government into position to begin paying its debt.

It's a budget that has been criticized by the union bosses of big labour. It's a budget criticized by so-called social activists because it cut taxes.

It's a budget that gives hope to the working men and women of the province. I'm not speaking about Ontario's latest budget. No, I'm speaking about Manitoba's New Democratic budget. Yes, the New Democrats of Manitoba have joined the Progressive Conservatives of Ontario in a common sense revolution. Manitoba's Premier, Gary Doer, has recognized the wisdom of Mike Harris and our own Minister of Finance, the Honourable Ernie Eves.

I call on every provincial government and our own NDP and Liberal members to give serious consideration to the Manitoba example. Gary Doer gets it. We get it. Why can't Dalton McGuinty get it? Perhaps it's because he's still not up to the job.

VISITORS

Mrs Sandra Pupatello (Windsor West): On a point of order, Mr Speaker: I am very happy to introduce a guest in the House today. Her name is Sherrylynn Colley Veigh and she's an educator from Windsor. Here is one educator who is so committed to young people that she insisted that all of us, including those of us in the Legislature, participate in finding some solution to the rave and ecstasy issue that exists out there.

Some of you may recall last December my speaking to you about my experience at a rave club. Since that time, I want to announce that this morning we have launched an educational video piece entitled *Dancing in the Dark*. Today, through the sponsorship of many tremendous community-minded organizations like the Windsor police, the Windsor Police Association, the OPPA and Apotex, for example, we have been able to launch sets of these curriculum pieces for every school board in Ontario, both English and French boards.

What I want to say in this very brief point of order is thank you to everybody who participated in the development of this piece.

The Speaker (Hon Gary Carr): That's not a point of order.

Mr Bob Wood (London West): On a point of order, Mr Speaker: I wonder if the House would join with me in welcoming a group of grades 7 and 8 students from Matthews Hall in the great riding of London West.

The Speaker: It's not a point of order, but we recognize them.

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I think someone has taken the seat of the member for Kingston and the Islands, because he's a stranger in the House.

INTRODUCTION OF BILLS

FISH AND WILDLIFE CONSERVATION AMENDMENT ACT (DOUBLE-CRESTED CORMORANTS), 2000

LOI DE 2000 MODIFIANT LA LOI SUR LA PROTECTION DU POISSON ET DE LA FAUNE (CORMORAN À AIGRETTES)

Mr Brown moved first reading of the following bill:

Bill 76, An Act to amend the Fish and Wildlife Conservation Act, 1997 in respect of double-crested cormorants / Projet de loi 76, Loi modifiant la Loi de 1997 sur la protection du poisson et de la faune à l'égard du cormoran à aigrettes.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Michael A. Brown (Algoma-Manitoulin): The bill amends the Fish and Wildlife Conservation Act, 1997, to permit the hunting of double-crested cormorants subject to specific restrictions. Section 1 of the bill permits the hunting of double-crested cormorants from September 5 to the end of December in any year. It goes on to impose daily and seasonal limitations in the number of double-crested cormorants which may be hunted. Section 2 of the bill makes it illegal for a person to destroy, take or possess the nests or eggs of double-crested cormorants.

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, May 15, Tuesday, May 16, and Wednesday, May 17, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. The motion is carried.

1350

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that notwithstanding standing order 96(d), the following change be made to the ballot list for private members' public business: Mr Bryant, Mr

Cordiano and Mr Brown exchange places in order of precedence such that Mr Bryant assumes ballot item 33, Mr Cordiano assumes ballot item 36 and Mr Brown assumes ballot item 69; and Mr Patton and M^m Boyer exchange places in order of precedence such that Mr Patton assumes ballot item 54 and M^m Boyer assumes ballot item 29.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

MISSING CHILDREN

Hon Margaret Marland (Minister without Portfolio [Children]): Next Thursday, May 25, is National Missing Children's Day in Canada. As the Ontario Legislature will be in recess for constituency week at that time, I rise today to speak about this important day of awareness, remembrance and action.

Why is it that when a child goes missing, suddenly, as though out of nowhere, there are thousands of volunteers ready to assist the local police forces by going door to door, making phone calls, searching fields and forests—in short, doing whatever has to be done? It is because nothing strikes horror in the heart of any community more than to hear of yet another missing child. We instantly start thinking, "What if?" All of us in this chamber today know those "What if?" questions which will fill our hearts and our throats with a lump of emotion and propel us into thinking, "Is there anything we can do?"

That is why we have organizations like Missing Children Society of Canada, Child Find Ontario, and Save the Children-Canada, who are committed to finding these children and who never give up on them. That is why, as members of this House, we too must never give up our search for ways to prevent the tragedy of even one missing child.

Ontario's children are our shared responsibility, and these missing children are clearly a non-partisan priority for each and every one of us in this place. It is horrifying to realize that each year in this country, according to Save the Children Canada, the RCMP lists over 50,000 children between the ages of birth and 18 years as missing.

Approximately 48,000 of these children are runaways. Children who run away are often leaving homes where they have experienced abuse, neglect or severe parental discord. Frequently they move from one environment where they are at risk into another where they are sexually exploited, a heinous crime which violates and damages that child forever.

Good early child development and parenting are critical to the health and well-being of families. That is why it is so important that we continue to support early intervention and prevention initiatives that help to protect our

children and resolve the issues that may lead to a child running away from home.

To find out how we can do more to support young children and their families, Premier Harris commissioned the Early Years Study. In response to this groundbreaking study, our government has established five demonstration projects to test different community-based approaches to early child development and parenting supports.

We have also created the early years task group to advise us on key elements and standards for a province-wide early years program. Later this year, I will launch the early years challenge fund, which will support early child development and parenting programs in our communities by providing up to \$30 million a year to match contributions in those communities from business, charitable and voluntary sectors.

These steps are merely the beginning. Our government is committed to extending early child development and parenting opportunities to young children and their families across Ontario.

Other critical early intervention measures include the screening of all Ontario's newborns through our Healthy Babies, Healthy Children program, with follow-up intervention where needed. As well, we recently announced a \$5-million program to help teachers identify when children are at risk of neglect, or physical or emotional harm.

Our government has also made it a priority to build a strong child welfare system that protects children from abuse and neglect. Everyone in this House supported recent changes to the Child and Family Services Act which expanded the reasons for finding a child to be in need of protection. These changes will encourage earlier action to protect children at risk. As well, \$290 million in new funding for child protection over the past five years has helped the children's aid societies hire 790 more front-line workers, an increase of 34%.

Children also go missing as result of parental abduction. When children are abducted by a parent, they are torn from their homes, their friends and their communities. Sometimes they are told that the other parent is dead or does not want them any more, and many of these children continue to live on the run. Parental abduction accounts for more than 400 missing children.

Many children are abducted as a result of custodial problems. Supervised access sites help by allowing children to maintain contact with both parents. Our tripling of the Unified Family Court has expanded family mediation services to help families resolve their disputes in less adversarial ways. These courts also provide parent education sessions which help parents make informed decisions that are in the best interests of their children. In addition, we will make it an offence for anyone other than custodial parents, school staff, registered visitors and students to be on school property between 8 am and 5 pm.

1400

Then there are those children who are abducted by strangers. It is hard to imagine a more horrific experience for a child. The best way to prevent child abduction is to make our communities safe. That is why we have provided funding for 1,000 new police officers in our communities. Our police demonstrate the highest quality of professionalism, expertise and sensitivity when working on cases involving missing children.

We have also cracked down on pornographers, sex offenders and predators. Ontario established Christopher's Law, Canada's first sex offenders registry, to maintain a registry of sex offenders and help protect children from the risk of abduction for the purposes of sexual exploitation, assault and rape. We continue in our efforts to expand a sex offenders registry nationally.

In collaboration with Save the Children-Canada, we have committed \$2 million annually for four years to develop and implement local strategies to address the problem of children involved in the sex trade and to rescue youth from the streets.

Let me stress that whatever the circumstances surrounding a missing child, the child's emotional and physical health may be at risk and their lives in danger. The devastating impact on these children and their families and friends can last a lifetime.

In closing, I would like to commend those who are dedicated to the well-being of children, organizations like Save the Children-Canada, the Missing Children Society of Canada, Child Find Ontario and their many dedicated volunteers.

I would also like to recognize companies that are helping to protect and locate missing children. For example, Rogers Cable includes information and photos of missing children with their customers' statements. Hilton Canada works with the Missing Children's Network to help create greater awareness of issues relating to child abduction in Canada and around the world.

It is a horrifying fact that there are over 50,000 missing children in Canada today. Today, in honour of National Missing Children's Day, let us all pledge our continued commitment to our children so that they can enjoy safe and secure lives.

Mr Richard Patten (Ottawa Centre): On behalf of my Liberal colleagues, I stand in full support of the efforts that are put forward by numerous and dedicated volunteers who continue their work in support of National Missing Children's Day, which is recognized both in the United States and Canada.

For those who may not know, on May 25, 1979, six-year-old Etan Patz kissed his mother goodbye and started off to catch the school bus waiting just two blocks from his New York City home. His mother, Julia, stood and waited as her son playfully made his way down the first block. In those few minutes it would have taken Etan to walk the remaining block, he disappeared.

There are thousands of horrifying stories just like this one across North America of children who seemingly vanish without a trace. For the families of these children,

the years can go by without any answers. Parents are filled with emptiness and pain, which remain constant companions of worry and hope.

The passage of time can cause these tragic events to become distant in our minds. However, we must not forget our missing children, and that is why May 25 is a day of renewed hope, a day to remember. This issue is a tragic experience, and probably the greatest fear most parents have is worrying about a child who goes missing or a child who disappears.

In Canada, unfortunately, this is not an uncommon occurrence, for according to the Missing Children Society of Canada, thousands of children are reported missing every year. These children are often runaway or have been abducted by a parent or have been taken by strangers. According to the RCMP, in 1999 alone in the missing children's registry over 48,000 cases of runaways, 398 cases of parental abduction, 52 cases of stranger abduction and 10,000 cases of unknown disappearances were reported.

All children who are reported missing are at risk, and it is our responsibility as adults to find them as quickly as possible and keep them from potential harm. Through voluntary organizations such as the Missing Children Society of Canada, Child Find Ontario, Operation Go Home and numerous others, in co-operation with police, the media and the general public, most cases are solved and most are solved quickly. Much of this success is due to the efforts to increase public awareness. This is commendable, and as the Liberal children's issues critic, I urge that these efforts be continued.

May is the Green Ribbon of Hope Month, which is designated to draw awareness to the issue of missing children in Canada. This concept was originated by the students and faculty of Holy Cross Secondary School in St Catharines, following the tragic abduction and murder of Kristen French. This symbolic ribbon is a testament to Kristen's memory and to other children who are missing. Keeping the memories alive and doing everything possible to bring our children home through increased public awareness is of course commendable. This Legislature's recognition of the National Missing Children's Day and the Green Ribbon of Hope Month are indeed only a small contribution to this effort.

As quoted from Child Find, "Green is the colour of hope. It symbolizes our light in the darkness and is a symbol of hope for the safe return of all missing children."

The minister read rather speedily her list of achievements of this government. I would point to her that there are two bills that have to do with children. One of these bills has been introduced, one is at committee and one is waiting to be referred. One is a private member's bill put forward by my good friend and colleague Mr Bartolucci, from Sudbury, An Act to protect Children involved in Prostitution, Bill 6. The other one is An Act to amend the Highway Traffic Act to require a driver's licence to be suspended if a motor vehicle is used when purchasing sexual services from a

child, Bill 32. I would suggest that the minister, being the advocate for children, with the rest of the other ministers might want to take these under her wing and help promote them as well.

I would also suggest to the minister that there are two areas of particular concern to children: One is the cuts to education and special education, and the other one is the important necessity of supporting children with mental illness, which is crying out, because there is a long list of children waiting for those services.

On this day I join with others to acknowledge the good work of many to help keep children safe and, if they have gone astray, to help find them and bring them home again.

The Speaker (Hon Gary Carr): Just before we begin, the member for Ottawa Centre may want to ask for unanimous consent to wear the green ribbon as well.

Mr Patten: Mr Speaker, I ask for unanimous consent to wear the Green Ribbon of Hope in memory of Kristen French and in memory of National Missing Children's Day.

The Speaker: Unanimous consent? Agreed.

1410

Ms Marilyn Churley (Broadview-Greenwood): Minister, we support any efforts you might make to help with the problem of missing children in Ontario. There is indeed nothing more horrifying to all of us than the knowledge that a child has gone missing in our communities. If the minister had chosen to stick to that subject, so would I. But when it comes to taking time today to brag about the government's record and what it has done for children in our province, your statement includes some profoundly misguided statements.

The rate of child poverty in Ontario is greater now than it ever has been, and in fact it is growing faster in Ontario than in any other province.

You talk about the steps you have taken on Fraser Mustard's Early Years Study, but your own government did nothing to advance early years education or child care in the budget you just put forward this month. Most public health units don't have enough money or staff to even implement the Healthy Babies, Healthy Children program. That is the reality.

Child care advocates agree: The Conservative budget has failed the children of our province. The budget did not create a single child care space.

Despite this government's claim to the contrary, it isn't spending a single new penny on early years education in this budget. The \$30 million the minister keeps announcing over and over again that they say they will spend on early years programming is actually a re-announcement of an old idea. They announced that spending in last year's budget and brought it back up in this year's budget to make it look like the Conservatives are doing something when they are actually doing nothing. They don't even plan to spend that \$30 million this year. They're waiting until the early years task group reports back in May next year.

Despite this government's claims to the contrary, it isn't spending a single new penny on child care in this budget. It is packaging the Ontario child care supplement for working families as child care, but that has nothing to do with child care. The supplement will give single parents about \$210 as a working supplement. The child care supplement is mostly funded by federal money and is actually clawed back from social assistance recipients to go to poor working families. This increase is needed but will only go towards single parents. It has nothing to do with regulated child care, and it isn't an adequate enough sum to buy child care. But it allows the government to claim once again it is spending more money than ever before. Clearly, somebody has to sit down with you, Minister, and explain what real, safe, regulated child care is all about.

The Ontario Coalition for Better Child Care is calling on this government to put its money where its mouth is and invest in a child care model like the one outlined in the Fraser Mustard Early Years Study, a program which would cost \$4 billion.

Minister, if we can find \$4 billion to \$5 billion for corporate tax cuts and for the rich, why can't we find the \$4 billion to start investing and supporting the children, who are, after all, the future of our province?

The minister brags once again about money for 1,000 new police. That again is a reannouncement of a reannouncement, and most of that money has actually gone to hire police to replace those who have retired. We still have fewer cops per capita on the streets today than we had in 1994 when the NDP was in government. That is the reality. You've used that money to replace retiring officers.

On behalf of the NDP caucus, I want to congratulate Child Find and all the other organizations and groups out there that work so hard on behalf of heartbroken parents who lose their children for all kinds of reasons. I'm glad to say that I believe about 90% of children who go missing are found. But the agony the parents, families and communities suffer when children go missing, and particularly those children who are never found—we are glad those groups are out there, working very hard on behalf of our communities and all of us to try to find these children and bring them back safely into their communities.

There's still a lot of work to be done, and anything the government does to improve our ability to keep our children safe and to bring them back should they go missing is to be congratulated. But I wish she hadn't even brought up the other issues today, because in bringing them up she actually begged for a response to put the record clear on what this government is really doing to the children's agenda in this province.

ORAL QUESTIONS

ENVIRONMENTAL PROTECTION

Mr Dalton McGuinty (Leader of the Opposition):

My first question today is for the Minister of the Environment. We believe that anybody who sets out to pollute our lakes and rivers should be pursued and prosecuted to the full extent of the law. From the numbers we have just recently seen, apparently you don't believe that.

In 1998 there were over 3,300 illegal discharges of hazardous chemical waste into our province's lakes and rivers. In 1997 there were 2,200, and in 1996 there were roughly 1,000. Despite the explosion of environmental crime, only one of 167 polluters has been prosecuted for their crime. There are only 167 polluters all told. We know who they are, we know where they are and we know exactly what they have done. My question to you is: Why are you so soft on environmental crime?

Hon Dan Newman (Minister of the Environment):

I am concerned when I hear numbers like I hear from the member opposite today. But I am equally concerned when the numbers aren't put into some sort of perspective, and I think that is what's missing here. It's important that we do put them into perspective, because the numbers that were brought forward today are simply raw data. They don't differentiate between minor or major periods of non-compliance. They don't differentiate between a 0.001% and a 300% exceedence over a limit. They don't talk about the nature of the exceedence. They also fail to recognize that there are 23,000 manufacturers and over 5,000 municipalities in the province that were in that. They don't take into account the effect that nature has; what effect an act of nature such as the storm we had on Friday can have on a sewage treatment plant in the province.

Mr McGuinty: This has to be a first. We have a Minister of the Environment standing up and blaming Mother Nature for pollution in Ontario. This is unprecedented.

The numbers are irrefutable. We have industrial polluters polluting at will today in Ontario, and you couldn't care less. Two thirds of our polluters are repeat offenders. In fact, 16 of them have violated our environmental laws in each of the last five years.

It seems to me that you talk the talk about getting tough on people. You spare no expense and no energy getting tough on squeegee kids, welfare moms and making sure you slap liens on people living in poverty in very modest homes. There is no obstacle whatsoever in terms of your cracking down there. But when it comes to industrial pollution in Ontario, you are soft on environmental crime. I ask you one more time: Why are you so soft on environmental crime?

Hon Mr Newman: Judging from the Leader of the Opposition's question, he simply doesn't understand the situation. That's the problem.

In 1998, we brought forward higher standards for the organic chemical sector, the inorganic chemical sector, the hydroelectric sector and the iron and steel sector. That's part of the reason for the numbers.

What the member also fails to recognize is the fact of adjustments to new equipment and faulty equipment as well—the factors they play on exceedences in the limits—and the fact that human error can also play a role in that.

Mr McGuinty: Minister, if you want to talk about the facts, then let's look at the facts. Since Mike Harris took office, the environment budget has been slashed by over 40% and you let go one third of the staff. In this last budget, at a time when money is simply pouring into Ontario because of the American economy, you cut the environment budget once more, by 9%. Those are the facts.

There is nobody on that side of the House who is prepared to champion the environment in Ontario. What you are doing is paving the way for polluters in Ontario. I call it aiding and abetting pollution in Ontario. You're not cracking down on our polluters. We know who they are, we know where they are and we know exactly what they're doing. You've cracked down on everything else, but once more I ask you: Why is it that when it comes to your industrial polluter friends, you're prepared to look the other way and not crack down on their criminal activities?

Hon Mr Newman: I call what the member opposite is doing fearmongering. That's what he's doing here today in the House. He wants to talk about the environment budget. Does he want me to continue to spend \$6 million on the Y2K problem? It's been solved; come out of your cave. There's \$2 million that was for one-time relocation costs. There's been \$1 million in salary awards, other programs that were brought forward and expedited. Did he not want us to do that? I don't know what the member opposite wants.

1420

ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Chair of Management Board. Minister, in January of this year—in fact, January 28—the ORC sold the last parcel of undeveloped land on Bay Street. On January 6 you put out your new rules, guidelines and procedures to clean up what's been happening over at the ORC. But when we look at the details of this sale, it appears that you broke your own rules. This sale was not put up for competition, there was no marketing study and there were no professional brokers involved. According to your guidelines, the only way that kind of sale can proceed is if the Chair of Management Board—that's you—considers it to be in the crown's best interests to proceed in that way.

Minister, can you tell the Ontario public, here and now: Why was it in the crown's best interests to sell this

land secretly, with no competition for the sale, no marketing study and no professional brokers?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I think the article itself answers that question, but I do want to remind this House that serious questions are being asked about past transactions, and that's why the independent audit process is so important. The ORC board is accountable for their decisions. The audit process that this government has undertaken is an appropriate process to get the answers to the questions that are being asked. The independent auditors are reviewing past transactions going back 15 years and will make decisions on whether they need to review this particular transaction. I understand that the purchaser in this case will go through that review as well.

Mr McGuinty: Minister, you didn't answer the question. I'll ask you again. You have put in place, effective January 6, new rules and regulations that specifically provide that you can't sell government land any more unless you put it up for competition, unless there is a professional broker involved. That didn't happen in this case. Industry experts are telling us that the price was worth at least three times more. It sold for one third less than what it could have been sold for. A smaller property two doors down sold for three times more per square foot.

I bet there are dozens of people in Ontario who would have liked to be involved in this purchase, who would have liked to be able to put in a bid for the land. These are your guidelines. You put them in effective January 6. This sale closed on January 28. I'm asking you one more time: Why did you not respect your own rules and guidelines?

Hon Mr Hodgson: The Leader of the Opposition should know, or clearly knows, that there's a difference between when a transaction closes and when the transaction is entered into. These guidelines are for marketing properties that are owned by the taxpayers in this province. Going forward, these new procedures are to make the process more accountable, more transparent, more open.

The questions that are being asked about past transactions will be dealt with in the proper process. The auditors are looking at it, and they will give us a report back.

Mr McGuinty: I'm going to be putting the question to you once more, Minister, because you refuse to answer it. For six long and painful months now we've been listening to your excuses. You've been very quick to talk about your new guidelines and your new regulations and how you're doing everything you can to clean up the mess over at the ORC. You've told us that it hasn't been your fault, that it's been employees at the ORC or the ORC board, or apparently even a ministerial predecessor.

I'm going to ask you one more time. This is a specific instance where land was sold in breach of your own guidelines. The only way that could happen is if you said, "This is an exception and I believe this is in the public interest"—it's in our interest, here, the people of

Ontario—"to sell this land in this way," in breach of the usual rules and for this price which experts tell us is grossly under value. Once more, Minister, did you approve this deal or did you not approve this deal, and why did you act in breach of your own guidelines?

Hon Mr Hodgson: These allegations of wrongdoing we take very seriously and that's why we've asked for an independent audit, which your party agreed with, to bring in an independent audit to review all the sales transactions dating back to 1985. That's why we fully support the ongoing investigation by the police, who are working closely with the independent outside auditors.

The fact is that the ORC is an independent corporation which will be accountable. They have an independent board of directors, which went through the approval process of this House and was unanimously endorsed by your party as well, and this process will get to the bottom of this issue. They will answer those questions and any other outstanding issues.

HEALTH CARE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Health, and it's about her government's secret deal with the doctors at the Ontario Medical Association. Two weeks ago, we forced you to admit that you had reached a deal with the Ontario Medical Association. You tried to deny that. When we revealed your deal with the OMA, it became obvious that you'd backed down on primary care reform, because your deal does nothing to ensure that more patients in Ontario will have access to doctors, nurse practitioners and nurses.

Now we learn that the very doctors, nurse practitioners and nurses who are on the front line of primary health care reform are not going to get the same increase in income that other doctors are going to get. In fact, instead of creating incentives for primary care reform, your deal is actually creating a financial disincentive.

Minister, why are you penalizing the very doctors, the very health care workers, who are on the front line of primary health care reform in this province? And will you confirm that you're now scrambling to get the negotiators back to the table to take care of the error, the mistake that you've made?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I'm not sure what the leader of the third party is speaking about, but I can tell you that the agreement that was reached between the Ontario Medical Association and ourselves is the most significant step forward in recent years. It provides for the single largest transition in medical services in this province since the introduction of OHIP in 1971, and it will accelerate the move from a fee-for-service system to alternative funding systems, which will pave the way to better patient care, more holistic care, in the years to come through the expansion of primary care reform. It was something that maybe you thought about but were unable to accomplish. We are prepared to work co-operatively with the

physicians and all other health care providers to improve patient access to—

The Speaker (Hon Gary Carr): Supplementary.

Mr Hampton: Minister, you need to read your own agreement, because while it provides 2%-a-year increases for doctors who are not practising in primary care reform, it is absolutely silent on income increases for doctors who are practising primary health care reform, and that's the problem. You forgot all about them, the very people who are on the front lines. Your agreement doesn't move forward on primary care reform at all. If anything, it opens the gates further to more privatization, because it provides for a further \$50 million delisting in OHIP insured services. That means you've delisted \$100 million in OHIP services since you've been here. That means privatization. That means people will have to pay out of their own pockets for health care services that used to be provided under OHIP.

Minister, before you go any further, will you do the right thing? Will you hold public hearings on your agreement with the OMA so that the citizens of Ontario will learn exactly what it is next you plan to privatize in our health care system?

1430

Hon Mrs Witmer: I know the leader of the third party loves to talk about privatization. He's probably quite upset that they were not able to achieve the type of primary care reform initiative that we've been able to do. In fact, we did it collaboratively with our health care partners.

I would simply say to him that this is an agreement which does permit physicians, for the first time in the history of this province, to move away from fee-for-service to alternative payment levels. It allows for people to start working collaboratively throughout the province on primary care reform initiatives and allows for all health professionals to start to provide the services that are needed to people in this province.

As for any comments about the modernization of the schedule, the modernization of the schedule has gone on for years and years under your government, and we are doing it now in a way that it is collaborative with the medical profession. As we add new procedures, we need to make sure that people get the best service, the best—

The Speaker: Final supplementary.

Ms Frances Lankin (Beaches-East York): These delisting decisions are going to affect every single Ontarian. Ontarians have sent you a clear message. They don't want American-style, private, for-profit health care. They want you to consult them about what's going on. But your legacy is going to be delisting \$100 million. Before you continue pointing fingers as you're so wont to do, compare that to \$10 million in delisting before you came to power—\$100 million that people are now going to have to pay out of their own pockets. That is privatization.

You talk about modernization. I love this word. When did ultrasound for pregnancies become outdated? When did checking bone density become outdated? Are we now

going to hear that hearing tests and basic rehab services are becoming outdated? Modernization—bunk.

Minister, it's clear from the federal Liberals' weak-kneed response to Ralph Klein that they're not going to save medicare, and you're complicit with this backdoor privatization. Bring this out into the open. No more talks behind closed doors about what will be delisted and what people will have to pay for. Hold public hearings. Consult the people. Will you do that?

Hon Mrs Witmer: Here we go once again with the scaremongering of this member in the House. The member knows full well that there has been no elimination of ultrasound. There has been no elimination of the bone density testing. What has been undertaken in consultation with the physicians is a discussion of the services that are medically necessary. We will continue to add new services for people in this province as new services become available. At the same time, we need to take a look at the services as they are medically required by people in this province.

PRIVATE UNIVERSITIES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier and it concerns your stealth consultations on private universities. We understand that today you're beginning your consultations. But they're strange consultations indeed, because the Ontario Confederation of University Faculty Associations hasn't been invited, the Ontario Federation of Students hasn't been invited and university workers in general haven't been invited. The only people who seem to know anything about it are the Ontario Undergraduate Student Alliance. And they've been told that if they don't keep their mouths shut they'll be uninvited.

Minister, this is about the education system that our people need. It's about how public dollars are going to be spent by private American universities, which have a horrible record in the United States. Don't you think that the students of Ontario, the faculty of Ontario, indeed the people of Ontario, should know about these consultations and should be invited to take part in these consultations?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): These consultations are just beginning, but it's no secret that the government is committed to finding ways of delivering high-quality, post-secondary education that meets the needs of Ontario students. Students need more opportunities, not fewer. I think you would agree with that. We must ensure that the post-secondary system provides them with the full range of choices that they require in today's rapidly changing world. Students will not have to leave for specialized or more flexible programs offered in other jurisdictions.

I might just add that these private universities would be fully funded by private money, with no support from the Ontario taxpayers, and will fill a niche providing services where there is high demand in areas that are not currently being served. Many US states and four Canadian provinces allow this right now. British

Columbia, Alberta, New Brunswick and Manitoba have allowed this, but no private institutions have set up shop there yet. So four other provinces allow this.

The Speaker (Hon Gary Carr): Supplementary.

Mr Rosario Marchese (Trinity-Spadina): To the same minister, I don't know what happened to that proud tradition of answering questions, but our leader said that the government issued a discussion paper and would conduct consultations, and that they're secret and nobody knows about them. If these meetings are happening, we don't know about them, and nobody knows about them. What we're asking is, let us in.

Minister, your government wants to bring in the University of Phoenix to open a private university in Ontario. These people have the dishonourable distinction of getting a \$6-million fine for ripping off the US taxpayer. You're looking to do here in Ontario with post-secondary education what Ralph Klein is doing to Alberta's health care system with Bill 11. It's the same thing. Your private university scheme could cost us our entire public post-secondary education system if there is a NAFTA challenge by American companies. You need to bring this wheeling and dealing out of the backroom and into the light of public scrutiny. If you are so proud of your public pronouncements on private universities, why do you skulk away so cowardly from public consultation?

Hon Mr Hodgson: Minister Cunningham is undertaking the consultations. Tonight she's in St Catharines. Her parliamentary assistant is also undertaking consultations. We want to discuss this idea, which takes place in four other provinces—three have programs up and running. It offers students more choice, not less, to improve our post-secondary experience in this province and keep those jobs and specialists here. It's all out in the open, and we're just beginning that consultation. We want to take our time and get it right, like other provinces have done.

ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): I return to the Chair of Management Board, and I want to return to the same question I asked you earlier. On January 28 this year, you sold a property, the last parcel of undeveloped land on Bay Street, for \$2 million. Experts tell us it is worth \$6 million. We also discovered that it was not placed on the open market. There was no competition for the sale of this land. Your own rules and regulations specifically provide as follows: "Properties offered for sale must be placed on the open market, except where the Chair of Management Board"—that's you—"considers it to be in the crown's best interest to sell property to a specific party."

Minister, were you involved in this sale? Did you at any time direct, in keeping with the exception laid out in your own rules and regulations, that the property not be put out for public tender?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I think the Leader of the Opposition has answered his own question. The policies are for properties that will be offered for sale in this province. They came into effect in January, and they are an improvement over past practices. I commend the Ontario Realty Corp board of directors for coming up with these policies, which will improve how government does its business.

The property you are referring to closed at that time. It was probably offered for sale at some point before then. The audit process that is in place will review this file, along with others dating back 15 years, to determine whether the taxpayer was well served. It's in our interest to make sure the Ontario Realty Corp conducts its business in an open, fair and transparent manner to ensure that taxpayers get full value.

1440

Mr McGuinty: You can spare us the ritualistic messages. I just want you to get to the specific point I am raising. Were you involved in any way with this sale? The only way this sale could have proceeded, in keeping with your rules and regulations, was if you personally implicated yourself in this matter. This sale was not conducted in keeping with the rules and regulations. It was supposed to be put out for public tender. It wasn't. It was reserved for a specific party. According to your rules and regulations, that can't happen unless the minister himself becomes involved. I ask you one more time: Were you involved in this sale?

Hon Mr Hodgson: If the member will read the rules, I think he will realize that the policies the ORC put in place are for the benefit of the taxpayers of this province. They clearly talk about properties that will be marketed in an open, fair and transparent—unless there's a government policy which talks about tenant purchases or buybacks, like we have in some agricultural places in this province, or places where there have been leasehold improvements and there has been an understanding with the tenant who has been there for a long time.

In regard to this particular one, I'm not sure. The ORC will be accountable for this, that that applied when they went out and marketed this property and entered into the purchase-and-sale agreement. I know you quote the closing date, but the new policies are for properties coming on line in response to making it operate to the benefit of the taxpayers. The audit process will get to the bottom of all these questions, and that's the proper process to be followed.

CHILD PROSTITUTION

Mrs Brenda Elliott (Guelph-Wellington): My question is for the Minister responsible for children. Last week during private members' business, the topic of preventing child prostitution was discussed. This is a very serious problem, and it's horrifying to consider the effects of children entangled in the sex trade. They are clearly the victims of the worst possible exploitation.

Minister, what action is being taken in Ontario to directly help these children and to address this problem of child prostitution?

Hon Margaret Marland (Minister without Portfolio [Children]): I agree with the member that this is a deplorable situation and one we all have a responsibility to resolve. When any child or young person is sexually exploited, it is a violation affecting that child forever.

We are committed to seeking a solution to this heinous crime. We have just put \$2 million annually for the next four years into developing and implementing programs to address this issue on a community level. We will work with Save the Children-Canada on this issue.

I want to thank the member for Sudbury for his concern about this tragic situation and his proposal in Bill 6, An Act to protect Children involved in Prostitution.

Mrs Elliott: My supplementary is very simple: What specific actions are we taking in Ontario to get these children off the streets?

Hon Mrs Marland: Various factors force children into this horrific situation. In Ontario these children become invisible, living in extremely controlled and dangerous environments.

Our government will establish a \$5-million prevention and intervention program that will help teachers identify children at risk of neglect, or physical or emotional harm. The government will also provide \$2 million to enhance programs targeting youth crimes and violence.

I know that everyone in this House is committed to stopping this horrendous situation, and I look forward to working with people across our province to eliminate this abuse of vulnerable children and youth.

DOCTOR SHORTAGE

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Health. I believe that all Ontarians deserve reasonable access to quality health care, regardless of where they happen to live in our province. However, people living in northern Ontario are facing serious difficulty accessing health services in their communities. The Sudbury region alone now requires 50 to 60 physicians just to return to an acceptable level of health care services in the community.

On budget day, Minister, you will know that, notwithstanding the fact that revenue is pouring into this province, there will be no new medical school spaces and not a single new dollar to increase the number of our medical students.

Minister, the north is facing a critical shortage of doctors. I know it, you know it and the people living in the north know it. When will you stop the phantom announcements and deliver on a real strategy to address this very important issue?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The opposition leader knows full well that we have identified this to be an issue of concern. It is an issue which we have moved forward to

address. In fact, we had Dr McKendry do the initial review of the situation regarding the supply and distribution of physicians in the province of Ontario. We have given all of the information to Dr Peter George, who is carrying forward with the work on the expert panel. In fact, we have done everything we can to get physicians into the north of this province.

If you take a look at the papers from the weekend, you'll see that the physicians in the north feel that the agreement we have just reached with the Ontario Medical Association goes a long way to helping us retain and recruit physicians. Furthermore, we have seen an increase of specialists in the north over the past few years. That is very significant news.

Mr McGuinty: Your government has been in power now since 1995. This issue has been pressing for at least the past five years. If you were genuinely committed to increasing the number of doctors graduating from our schools in Ontario, you would think that at a minimum you would have taken the steps necessary to ensure that we graduate more doctors and you would have put more spaces in effective this September. There is no commitment on your part to expand our medical schools in Ontario at the undergraduate level effective this September.

You have talked under, around and over this issue for years now as Minister of Health. I'll ask you one more time, Minister, when are you going to give some news to the people of northern Ontario that will convince them in a real way that you're on their side and that you're doing everything you can to increase medical school spaces effective this September?

Hon Mrs Witmer: Again, the Leader of the Opposition knows very well that we have been committed to improving the situation in the north, a situation which, I might add, has been ongoing for many years. We have actually seen an increase in specialists in the north since 1995. If you want to talk about what our government has done, we have recruited 138 specialists to northern Ontario. We have recruited 171 general practitioners to northern Ontario. We've seen a decrease in the number of physicians leaving this province thanks to the renewed economic viability of Ontario under the leadership of our government. We have added 15 additional post-graduate training positions to this province. We're recruiting Canadians back from the United States. We've added \$1.3 million to the international graduate program.

ONTARIO WHOLE FARM RELIEF

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is to the Minister of Agriculture, Food and Rural Affairs. I've attended a host of farm meetings this winter—the Brant Federation of Agriculture, the Haldimand Federation of Agriculture, the Norfolk federation and a variety of commodity groups. At these meetings, one of the issues that came up consistently was the need for continued support for the whole farm relief

program. I will mention local farmers are very happy with your work to get Ontario farmers their fair share of safety net funding.

However, recently they've been concerned about rumours floating around about disaster relief. Farmers in my riding have heard from the opposition that your ministry refuses to implement changes that the federal government has made to the whole farm relief plan, allegedly holding up millions of dollars in additional federal aid. Farmers in my riding don't buy into these rumours, but they would like to hear from you on this issue. Could you please tell the House if these rumours are true?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I'd like to thank the member for Haldimand-Brant-Norfolk for the question. In a communication I received from the federal government just last Thursday, they indicated that the bilateral agreements necessary to implement the changes—incidentally, the changes that the opposition referred to last Thursday—have not yet received federal cabinet approval. Therefore, our government does not have the authority to issue the cheques yet.

More importantly, I was astounded by the communication from the federal government that told us that we should hold the federal portion of the payments to our farmers to 50%. Clearly, this is not us holding back the payment, it's the federal government. In fact, we have sent out \$10 million for 1999 to help our farmers who are not receiving any money from the federal government. This move by the federal government will reduce payments to Ontario's farmers by over \$2,000 each. I think all members of this House would agree this is not acceptable for Ontario farmers.

1450

Mr Barrett: Thank you for clearing that up. This action by the federal government is clearly not acceptable. It seems that the federal government's approach to disaster relief is beginning to turn into a bit of a disaster for Ontario's farmers. As a farm owner, I feel that's not good. We've heard some accusations from both federal and provincial Liberals that you personally are holding up millions of additional dollars in federal aid. There seems to be some confusion here. The Liberals again appear to be saying one thing and doing quite the opposite.

Minister, can you clarify this for Ontario farmers? They need to know that Ontario is doing its part to get disaster relief funding out the door.

Hon Mr Hardeman: Again I'd like to thank the honourable member from Haldimand-Norfolk-Brant for the question. Our government ran on a promise to meet our 40% share of all agriculture assistance programs, and we will live up to that promise. The federal ministry told us to withhold 50% of the federal payments. I'd like nothing more than to send out every penny of the federal aid to our farmers who are eligible, but it would seem that the unilateral changes made by the federal government will require more funding than they have allocated, and they are now withholding from our Ontario farmers

money to pay for these changes. These changes seem to apply more in other parts of Canada than they do in Ontario. In fact, the \$2,000 per farmer that Ontario farmers will not be getting will go elsewhere in Canada.

I can assure every member of this House and the member from Haldimand-Norfolk-Brant that we will be funding 40% of every 60-cent dollar we get from the federal government for Ontario's farmers.

ENVIRONMENTAL PROTECTION

Ms Marilyn Churley (Broadview-Greenwood): To the Minister of the Environment: Congratulations, you've just set a new record. A report released today shows that the number of waste water pollution violations skyrocketed from 1,000 in 1996 to 3,300 in 1998, and now, just like Ronald Reagan, you want to blame pollution on nature. Unbelievable.

We only know these facts because the privacy commission made you release the information, which under our government used to be routinely released, and even then you missed the deadline by five months. Why don't you just enforce the law? Will you admit today that the \$100 million cut from the Ministry of the Environment means that you just don't have enough money to enforce the law?

Hon Dan Newman (Minister of the Environment): I want to assure you that the government is indeed committed to setting and enforcing high-performance standards for dischargers of industrial and municipal waste water into Ontario's water systems. Yes, we are tough on polluters. In fact, we brought in tougher regulations in 1998. We also made campaign commitments last year to double the highest fines in Canada, from \$2 million to \$4 million, to bring in the toughest jail terms in all of Canada, all the way up to five years less a day in jail. We've also made a campaign commitment to bring forward a SWAT environmental team to audit industries and municipalities to ensure that they're in compliance.

Ms Churley: Let me get this straight. If I heard what you said correctly, you're saying you have the money and you have the resources to enforce the law. If that's the case, this is even worse than I thought. That means you're deliberately trying to help the polluters because you prefer to grant immunity from prosecution to your big business friends so that environmental protection won't be a problem for their blind pursuit of bigger profits. Is that why you kept the information secret? You don't want to hurt your polluting friends so you can save your business friends from public criticism when they use your immunity to pollute our water and make us sick. Is that what the Common Sense Revolution is really all about, and is that why you made people pay money to go to the privacy commissioner before you will even tell us the truth about what's going on there with the polluting of our water? Minister, tell the truth here today and let us know what you're really up to.

Hon Mr Newman: We now have a more stringent reporting structure within the Ministry of the Environment to work with industries outside of a formal legal process to achieve compliance. Companies and municipalities fully understand the reporting requirements. This program is referred to as the municipal-industrial strategy for abatement. It was brought in under the Liberal Party, when Jim Bradley was the environment minister. The NDP as well brought that forward. The question I have today is, why is it not good enough for this party in government today?

GOVERNMENT POLLING

Mr James J. Bradley (St Catharines): To the Chair of Management Board: Everyone in this Legislature knows that the Harris Conservatives squandered over \$100 million on clearly self-serving, blatantly partisan government advertising before the last provincial election and that you continue to spend millions of taxpayers' dollars on partisan propaganda ads on television and radio and in print. What they may not know is that you are engaged in another abuse of public office; namely, polling at public expense, spending tax dollars on polls for the political use of your government and then keeping the results of the polls secret.

Will you admit that you are in fact, despite your promise to eliminate all unnecessary expenditures, spending thousands of dollars on polls and refusing to share the results with the public and all members of this Legislature, and will you agree to table immediately the detailed costs and results of all polls commissioned since the Harris government took office in 1995?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): To the member of the opposition, I think he has heard before and knows what the record is, that our government advertising in total dollars is probably less than when you were in power for the same point of time. That was in regard to your preamble.

In regard to your specific question around the polling or around other information that ministries may be gathering to make better decisions in the government, we would be under the guidelines of the Freedom of Information and Protection of Privacy Act and we would comply with that.

Mr Bradley: Mike Harris was the man who was going to avoid any frivolous spending. Yet while you have cut over 40% of the budget of the Ministry of the Environment and over one third of the staff has been turfed out at the Ministry of the Environment, you continue to squander thousands of dollars on public opinion polls while keeping the results secret, clearly giving your Conservative Party, whose coffers are overflowing with funds from grateful developers, a distinct and unfair advantage over opposition parties.

Will you now ask the Conservative Party of Ontario to reimburse taxpayers for the cost of these polls and, further, will you assure this House and the people of Ontario that you have not secretly provided the results of

these taxpayer-paid polls to Tom Long, the Mike Harris favourite for the leadership of the Reform-Alliance party of Canada?

Hon Mr Hodgson: As I mentioned before, ministers from time to time may gather information which will help in the decision-making process to make better decisions. That information and the release of that information is subject to the legislation that governs the release of information.

I don't know exactly what the member is referring to, unless he's trying to get a headline, because that name seems to be in the public as the person who can bring about change in this country and clean up the sad policies of the federal Liberal Parliament in Ottawa. Other than that, I don't know.

SCHOOL FACILITIES

Mr John O'Toole (Durham): My question is to the Minister of Education. You and I have the distinct pleasure of representing the riding of Durham, along with Attorney General Jim Flaherty, Management Board Chair Chris Hodgson and Jerry Ouellette.

You're well aware that our riding continues to grow at a rapid pace, this all achieved of course by cutting taxes, reducing red tape and having a strong economy. But a strong economy requires and puts a lot of pressure on the school system. As you know, with growing families moving to our area and prosperity as it continues to flourish, there's a great deal of pressure for new schools in our area.

Last week the Liberal member for Parkdale-High Park stated that there was no money being spent in your ministry on capital. I find this very surprising because, as you would know, I have attended many new school openings in Durham. Minister, with respect to the funding for new schools, what is your ministry doing to address rapid growth in Durham?

1500

Hon Janet Ecker (Minister of Education): I appreciate the opportunity to correct the record as it was described last week in the House. First of all, this ministry does indeed fund capital construction for schools across the province. There is well over \$2 billion that is going out there, contrary to what was stated last week.

Second, supporting school construction has very much been a problem that the two previous governments didn't deal with. As a matter of fact, it was in 1988 that the Liberal education minister, Chris Ward, was mobbed by students who were in portables and who wanted out. Again, several years later, in 1992, there were extensive reports in the Toronto Star about how the NDP had not managed to address the portables issue. Because of the way that we support school boards in school construction, we have had a 9% decrease in the number of portables in this province. We are finally, under our new funding, catching up to the growth in regions like Durham.

Mr O'Toole: Minister, I've got to thank you personally for the new funding model for our students. I congratulate also two of my constituents, Cindy Houston and Kelly Gainer, for their efforts in community leadership, bringing a new school to the Pinecrest community. I would also like to recognize Irv Harrell and Clare Aker, two Oshawa city councillors who have been very, very supportive of the growth and the new school placements in Durham.

My constituents are telling me they don't want their kids in portables any longer. How many new schools are being built in the Durham region and across the province, and what are you doing to move kids out of portables and into real classrooms?

Hon Mrs Ecker: Yes, the honourable member and myself and those very good community leaders he mentioned have had the privilege of attending many school openings in Durham region. It really is about time, after the last two governments had fallen down on this issue in Durham region.

Durham is very much a winner with the new school construction money. As I mentioned, there's been a 9% reduction in portables across the province. The two Durham boards have received approximately \$26 million in money that they can put forward for this. Across the province, something like 198 new schools will be done this year, 150 new additions and expansions. In Durham region this is going to mean 16 new projects or additions that will be open by September—badly needed, brand new schools for our students to learn the brand new curriculum with the excellent teachers that we have.

ENFORCEMENT OF JUDGMENTS

Mr Mario Sergio (York West): In the absence of the Premier, my question is for the Chair of Management Board. Minister, your government is collecting toll charges on behalf of a private corporation, the 407 ETR enterprise. At the same time in Ontario we have thousands of small Ontario firms, businesses, that can't collect money owed to them through the Small Claims Court. I'm asking you, on behalf of them, what will you do to help collect those monies that they cannot collect for themselves?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I believe the question refers to the 407. The Minister of Transportation would like to comment on that.

Hon David Turnbull (Minister of Transportation): As I've mentioned on several occasions before, the unique aspect about the 407 tolling system is that it is totally electronic, the world's first. Ontario is leading the world in this technology. In order to be able to sell this type of technology, it is a requirement that you have plate denial if people do not pay their bills after the proper process of billing. The difference between credit cards and other bills is, other remedies can be taken through the courts. However, with a toll highway which is totally

electronic, it is totally impossible to deny access to the road.

Mr Sergio: Again to the Chair of Management Board, my question has got nothing to do with the 407 or the other minister. It has strictly to do with yourself. Minister, \$2,000 or \$3,000 or \$4,000 may mean the profit from two, three or four months of hard work for many small companies. For many small businesses, I would like to say to the minister that it may make the difference between their staying in business or folding.

Minister, small business people in Ontario have little recourse, and I think you know that. Small business people in Ontario are being penalized by our own legal system. Small Claims Court may deliver a favourable decision but will not request that the monies be deposited with the Small Claims Court. The option left to many small business people is too often a non-option. Small business people, owners, have to hire a lawyer to collect. I'm asking you, what will you do to help those small business people who can't collect money for themselves?

Hon Mr Turnbull: I'll refer this to the Attorney General.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): As I understand the question, it relates to the enforcement of judgments in our civil courts of Ontario. If I can be responsive to that, whether one is in the Small Claims Court or in the other courts in Ontario with civil jurisdiction, the enforcement of judgments is up to those litigating, to the plaintiff if they're successful. They can use the sheriff's office. They can use the court process to do that. That's made available to them, with a cost to it, of course, which is added to their judgment costs. That's true in Small Claims Court. It's also true in the Superior Court of Ontario. It has always been so in Ontario and that is the way the system works.

With respect to the suggestion that one needs a lawyer to do that, that's not so. One can deal directly with the sheriff's office or with the Small Claims Court office in that regard. One does not need a lawyer to enforce a judgment in Ontario.

HIGH-TECHNOLOGY SECTOR

Mr Brian Coburn (Carleton-Gloucester): My question is for the Minister of Economic Development and Trade. As you probably know, in my riding of Carleton-Gloucester, in fact in the Ottawa area, for far too long people have depended on work in the federal government. In fact, at one time 60% of the residents of the Ottawa area worked for one level of government or another. But times have indeed changed, thanks to this government in 1995, and we've forged forward with Ontarians to encourage smaller and more efficient government. Fortunately, the high-tech sector has taken off in the Ottawa-Carleton area and the investment and confidence in the Ottawa region have developed thousands of jobs.

Minister, what is your ministry doing to encourage even more growth in the high-tech sector in the Ottawa-Carleton area, providing alternative lines of work as opposed to government?

Hon Al Palladini (Minister of Economic Development and Trade): I'd like to thank the member for Carleton-Gloucester for the question. Certainly, he's absolutely right. The region of Ottawa-Carleton has become a centre for Canada's high-tech industry, and I'm happy to say that our ministry has been involved in many partnerships.

The Ottawa partnership program brings together the city, the region and the private sector. As a matter of fact, I will be meeting tomorrow with a delegation of business and economic development leaders to discuss the economic transformation of Ottawa to a high-tech centre. Our ministry has participated in commissioning a study on developing an economic strategy for Ottawa: What economic generators do we need to elevate the awareness of the high-tech industry that the Ottawa region is capable of competing on a global scale for high-tech investment and could indeed become the Silicon Valley of the north? Ontario is open to high-tech industries.

Mr Coburn: Thank you, Minister, for the initiative you're taking in Ottawa. I'd remind you that there is more to do, not only in the Ottawa area but across the province.

Due to the clustering of high-tech industries in the Ottawa-Carleton area, we have a shortage of skilled high-tech workers. What is your ministry doing to address this shortage of skilled high-tech workers?

Hon Mr Palladini: Our ministry field staff are definitely partnering. We recognize the importance, number one, of the shortages that we do have, but we're partnering with the Ottawa Centre for Research and Innovation, looking at a number of solutions for the Ottawa technology cluster, human resource challenges that we have. Through the strategic skills initiative, we have been investing in programs to help workers obtain the skills needed in the high-tech sector. We have partnered with Vitesse (Re-Skilling) Canada to retrain professionals for jobs in the information technology and communications sectors. We have also partnered with Photonics Research Ontario to train people in the high-demand jobs in the photonic manufacturing and communications industries, which use photonic technology. These are just a few of the projects my ministry is involved with to help address the shortage of skilled people for the high-tech jobs in the Ottawa-Carleton area. But that is a provincial concern, and certainly we are going to continue to address it.

1510

MINIMUM WAGE

Mr Howard Hampton (Kenora-Rainy River): My question is for the acting Premier. Workers at the University of Toronto Press bookstore are trying to negotiate a first agreement with their employer. The workers

are currently paid \$7.25 an hour. A major issue is wages. Incredibly, the employer wants to lower their wage to the Ontario minimum wage of \$6.85 an hour. The workers reject the wage rollback and are going to vote this evening on whether to strike.

Acting Premier, you can do the right thing for those workers. You can announce today that you're going to support my private member's bill to increase the minimum wage from \$6.85 an hour to \$7.50. Will you do the right thing for the workers at the U of T Bookstore, and for low-paid workers across this province, and announce that you're going to raise the minimum wage?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I know the Minister of Labour wants to answer this question.

Hon Chris Stockwell (Minister of Labour): We in this government don't think it is proper public policy to initiate changes to the minimum wage standard based on one collective agreement that is being negotiated in the province. We think there has to be a broader context to a debate about the minimum wage than whether one specific negotiated settlement could be negotiated out.

If you want to talk about minimum wage in the context of the last five years, and that there hasn't been an increase, you're right. But if you examine the minimum wage structure in Ontario in the last 10 years, you will note that there has been a 37% increase in the minimum wage from 1990. A 37% increase over 10 years—and I readily admit that it was the NDP government that increased the minimum wage—is fairly significant. In fact, there are many sectors out there where a 37% increase was not had in the same 10-year period.

Interjection.

Hon Mr Stockwell: The argument you make is, are we competitive with the minimum wage standards we set? Yes, we are. The member for Hamilton West knows we are the third highest in Canada and competitive with other jurisdictions. Surely there's a broader public policy debate about minimum wage than one specific union negotiation taking place at this time.

Mr Hampton: Here is a government that increases the pay of the Premier's chief of staff by 30%, doubled and tripled the pay of the head of the workers' safety and insurance board, but when it comes to workers in this province, many of whom are working two, two and a half and three jobs at minimum wage, trying to make ends meet, they say no.

Minister, the minimum wage in Ontario now is less than the minimum wage in Alabama, Mississippi, Louisiana and Arkansas. If we had a minimum wage of \$7.50 an hour, it would be the equivalent of the American minimum wage now. The American increase in the minimum wage, which is over 30% over the last three years, has not resulted in a loss of jobs and has not resulted in inflation. In fact, the studies there indicate that it has increased the number of jobs, because low-paid workers spend all the money they get in the local community for things like food, shelter and clothing—the necessities of life.

You boast about an economic boom. How about sharing it with the hundreds of thousands of low-paid workers in this province who have had their wages frozen by you for five and a half years?

Hon Mr Stockwell: Let me say to the member opposite that we look at whether we're competitive with jurisdictions neighbouring this province. When we look at the province of Ontario compared with Canada, we rank third among all jurisdictions with respect to the minimum wage. That would indicate to me, as probably to most people in this province, that we are very competitive at the minimum wage level. It's not like we're sitting at the bottom or even in the middle; Ontario is near the top as far as minimum wage is concerned in respect to the rest of Canada.

Now let me say that the argument you make about people working one and two jobs may be true in some respects. There may be people out there working one and two jobs under this administration. But let's also be clear that they're working one or two jobs now under the Conservative government rather than not working at all under the NDP government. In my opinion, that's a definitive benefit.

PETITIONS

STUDDED TIRES

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislative Assembly of Ontario with regard to the law banning the use of studded tires.

"Whereas personal safety on winter roadways would be greatly increased; and

"Whereas improved technology on studded tires has proven in other countries and provinces they will not damage the roadways; and

"Whereas studded tires are used in many northern countries and all other provinces in Canada; and

"Whereas studies have proven that studded tires outperform all-seasonal and winter tires in manoeuvrability and braking on ice and snow-packed roads; and

"Whereas studded tires can save lives;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To rescind the law banning the use of studded tires in Ontario and pass Bill 57, which would allow the use of studded tires."

I affix my signature to this petition as I am in complete agreement with it.

DEVELOPMENTALLY DISABLED

Ms Frances Lankin (Beaches-East York): "To the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based

on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

This is signed by dozens of people from my community, and I affix my signature in support.

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to present a petition to the Legislature.

"To the Legislative Assembly of Ontario:

"Whereas the prayer, Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

I affix my signature to this petition

MUNICIPAL RESTRUCTURING

Mr Michael Gravelle (Thunder Bay-Superior North): The forced amalgamation of Greenstone, a huge community which will be in our northern Ontario riding of Thunder Bay-Superior North, is one that I hope the minister is reviewing seriously. I have a petition from the

township of Nakina, signed by almost all residents of the township. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the corporation of the township of Nakina is an incorporated municipality; and

"Whereas the corporation of the township of Nakina has continued to operate as a community in its own right since 1923; and

"Whereas amalgamation with other distant communities could prove to be detrimental to the individualistic lifestyle associated with living in the township of Nakina; and

"Whereas the economic justification for the creation of Greenstone no longer exists, and its creation may result in a loss of local services and an increased tax burden on the residents of Nakina; and

"Whereas the residents of the township of Nakina would like to continue to be the municipality known as the corporation of the township of Nakina;

"We, the undersigned, petition the Legislative Assembly to ensure that the corporation of the township of Nakina continues to be a separate municipality in the province of Ontario."

As I said, this is a petition signed by almost all residents of the township of Nakina and I'm pleased to add my name to those signatures.

1520

DEVELOPMENTALLY DISABLED

Mr John O'Toole (Durham): I'm presenting a petition on behalf of the Minister of the Environment, the Honourable Dan Newman. Members would know that a minister of the crown is unable to submit petitions on behalf of his constituents, but with your permission Judith Patterson has submitted a petition here from southwest Scarborough to the Legislative Assembly of Ontario.

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their children with developmental disabilities at home, and who are still caring for their adult children; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I'm pleased to submit and sign this petition on behalf of Dan Newman.

SCHOOL CLOSURES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Kinsmen/JS MacDonald school is slated for closure,

"I/we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/JS MacDonald special school facility. Since 1963 the special education facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I've also signed the petition.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition that's titled "Save our High Schools." It's signed by a number of people in the towns of Waterford, Simcoe, Wiltonville and Scotland.

"Whereas several area high schools have been threatened with closure; and

"Whereas the Grand Erie District School Board, the Brant-Haldimand-Norfolk Catholic District School Board and Fanshawe College all have proposals to construct new school buildings in Simcoe; and

"Whereas many viable options and solutions have been proposed, publicly discussed, but not enacted;

"We, the undersigned, beseech the province of Ontario to take extraordinary steps to conduct an administrative audit and mediate a solution among the Grand Erie District School Board, the Brant-Haldimand-Norfolk Catholic District School Board, Fanshawe College and other key stakeholders to provide a student-based approach, utilizing existing school board, and possibly municipal, infrastructure."

I think this is an excellent idea and hereby affix my signature to these petitions.

HEALTH CARE FUNDING

Mr Ernie Parsons (Prince Edward-Hastings): I have a health petition to the Legislative Assembly of Ontario.

"Whereas Canada's health care system is one of our greatest achievements as a country;

"Whereas health care in Ontario has deteriorated, with medical services being reduced and hospital budgets cut to the bone, resulting in lengthy delays in treatment, with sometimes fatal results;

"Whereas major changes in health care legislation by the Harris government have been made with no prior public consultation;

"Whereas residents of Prince Edward-Hastings are demanding that their voices be heard and their concerns addressed to ensure that future health care legislation meets their needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to call on the Harris government to protect our valued health care system and to hold public hearings on Bills 23 and 173."

I am pleased to add my signature to this petition.

KARLA HOMOLKA

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I finally get my chance: a petition to the Legislative Assembly of Ontario.

"To the Legislative Assembly of Ontario:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I agree with it and I'll affix my name to it.

HIGHWAY SAFETY

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

"Whereas road funding is almost completely paid through vehicle permit and driving licence fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to over \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with fully paved shoulders and rumble strips; and

"We respectfully request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements here in Ontario."

It's signed by a number of residents from Blenheim, including Dennis Makowsky, and others from the city of Chatham, and I affix my name to it.

MUNICIPAL RESTRUCTURING

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have petitions titled "Bring Back Haldimand and Norfolk Counties."

"Whereas we, the undersigned, do not want a region-wide, single-tier supercity; and

"Whereas we support the two county model representing two single-tier cities (one each for Haldimand and Norfolk); and

"Whereas we believe this model will give us a government that is closer to the voters, providing the greatest degree of 'accountability' by our elected representatives; greatly reduce the number of politicians; greatly reduce taxes through the elimination of multiple administrations, services that are repeated six and seven times; and produce further cost savings through adjusted service delivery methods; and

"Whereas the tax revenue of the Nanticoke Industrial Centre is to be divided equitably (based on population) between each of the two new counties;

"We, the undersigned, petition the government of Ontario to bring back Norfolk and Haldimand counties."

It's signed by a number of people from St Williams, Turkey Point, Vanessa, La Salette and Wilsonville. I agree with these proposed models and affix my signature to this.

PRIX D'ESSENCE

GASOLINE PRICES

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): J'ai une pétition adressée à l'Assemblée de l'Ontario, to the Legislative Assembly of Ontario.

« Attendu que le prix des produits pétroliers a augmenté significativement dans les derniers six mois ;

"Whereas the Mike Harris government has done nothing to protect consumers and is afraid to take on the big oil companies;

« Attendu que le marché de vente en gros pour les produits pétroliers est contrôlé par un oligopole d'huile qui gère 85 % du marché de vente en gros ;

"Whereas the long-term increase in the price is mostly due to taxes that have doubled in the past decade;

« Attendu que le ministre fédéral des Finances, Paul Martin, est prêt à discuter avec les provinces afin de baisser les taxes sur l'essence ;

"We, the undersigned, petition the Legislature of Ontario as follows: that Mike Harris take initiative and lower provincial taxes on petroleum products."

I have added my signature.

HIGHWAY 407

Mr John O'Toole (Durham): I'm pleased to present a petition on behalf of my constituents in Durham, if I may: Susan Larch, Roy Foresster and John Mutton, to name but three.

"To the Legislative Assembly of the province of Ontario:

"Whereas the province of Ontario exempted Highway 407 east from a public hearing and then passed the Highway 407 Act to further exempt the proposed highway extension from important provincial environmental laws, such as the Ontario Water Resources Act, the Lakes and Rivers Improvement Act and the fill regulations of the Conservation Authorities Act; and

"Whereas heavy equipment is now being used to clear the eastern path of the highway, without any environmental regard, control or monitoring;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario, as a matter of extreme urgency, to put in place such environmental monitoring procedures and controls as are necessary to prevent extreme degradation such as bulldozers working in stream beds, and numerous other environmentally destructive acts that have been witnessed since the 407 east extension was permitted to go ahead."

I'm pleased to present this petition.

1530

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly of Ontario.

"Whereas the province of Ontario exempted Highway 407 east from a public hearing and then passed the Highway 407 Act to further exempt the proposed highway extension from important provincial environmental laws, such as the Ontario Water Resources Act, the Lakes and

Rivers Improvement Act and the fill regulations of the Conservation Authorities Act; and

"Whereas heavy equipment is now being used to clear the eastern path of the highway, without any environmental guidelines, controls or monitoring;

"We, the undersigned, respectfully petition the Legislature of Ontario, as a matter of extreme urgency, to put in place such environmental monitoring procedures and controls as are necessary to prevent extreme degradation such as bulldozers working in stream beds, and numerous other environmentally destructive acts that have been witnessed since the 407 east extension was permitted to go ahead."

I affix my signature to this petition as I'm in complete agreement with it.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Frank Klees (Minister without Portfolio): I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget, when Bill 72 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered to the standing committee on finance and economic affairs; and

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That, at 4:30 pm on the final day designated by the committee for clause-by-clause consideration of the bill and not later than June 8, 2000, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not later than June 12, 2000. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That upon receiving the report of the standing committee on finance and economic affairs, the Speaker shall put the question for adoption of the report forthwith,

and at such time the bill shall be ordered for third reading;

That, when the order for third reading is called, the remainder of the sessional day shall be allotted to the third reading stage of the bill. At the end of such time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment;

That, the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceedings "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

I just want to take two minutes to say that we in this House believe it is timely that we move forward now with this bill. It's historic in this province that we have brought down a budget that is, for the first time in 30 years, a truly balanced budget; the first time in 60 years that two consecutive years of balanced budgets have been brought forward.

It is historic for the people in this province that their government now is once again responsible and honours them as taxpayers that we are not spending more than we are bringing in, that in fact there are surpluses. This speaks well for the people of Ontario, for the future of this province, the fact that the budget is balanced, the fact that there is more money being allocated to the priorities of Ontarians, such as health care and education.

So as the debate continues in this House, we on this side are proud of our Minister of Finance, are proud of our cabinet and colleagues, who over the last number of years have committed to the people of this province that we will bring the financial affairs of this province into order. It has been done. There is yet much to do, but we look forward to carrying on with responsible government, responsible fiscal management in this province.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate and say, firstly just on the last comment before I get into some other ones, I love listening to my Conservative friends talk about fiscal responsibility. I always say to my business friends, and that used to be my background before I arrived here: "Take a look at the numbers. Don't listen to what they say; watch what they do." That's my motto.

Anybody who cares to look at the finances of the province will find that Premier Harris has added \$24 billion of debt since he became Premier. He has added almost 25% to the debt of the province. The credit rating agencies, by the way, still give Mike Harris the same credit rating as they gave Bob Rae. I assume that's got to change sometime. They've been in office for five years.

We now have a balanced budget in Ontario, but I always say to my friends, yes, finally we're there, but seven other provinces got there well ahead of Ontario. The federal government got there two years ahead of Ontario. Quebec, by the way, which had a far worse deficit situation than Premier Harris when he became

Premier, beat Ontario to the balanced budget by, originally, two years—it looks like it's now one year. So yes, he's got across the finish line. As my leader said, it's been like watching a marathon race. We've had the medal presentations to the provinces that have balanced budgets. They've all gone home and left the stadium and Harris comes trotting in finally with a balanced budget. There are still some fans here to cheer, but he's added \$24 billion of debt to the province of Ontario. So thank goodness we now have reached the finish line and thank goodness he's finally balanced the budget.

But I want to talk to the Legislature about the closure motion. It is unfortunate that we have closure on this. Tax policy is an area that warrants substantial debate by all of us. What we have in the budget—for those in the province of Ontario who watch this—is about \$9 billion worth of tax cuts: about \$4 billion to the corporate sector in corporate tax reductions, about \$1.2 billion to tax reductions on capital gains and about \$3 billion in personal income tax. There is about \$400 million on retail sales tax.

1540

The reason I raise this issue is, if we believe, as the Liberal Party does, that we need to have a publicly funded, universally accessible health care system, are we sure that we can, through legislation now, be committing to \$9 billion worth of tax cuts? That's what we're being asked to do here. Bill 72, the bill that we have time allocation on now, makes commitments for the next five years.

Interjection.

Mr Phillips: Mr Wettlaufer should probably listen if he'd like to learn something. I find when you're yelling like that, you probably don't learn a lot. You might like to just listen—

Interjection.

Mr Phillips: There you go. He'll keep yelling, I guess, and I'll speak to the rest of the people who at least might choose to be aware of some of the things in their own budget.

Here's what the budget says about corporate income tax rates: We are deciding here in this province that we are going to have corporate tax rates substantially lower than our neighbouring jurisdictions—Michigan, Indiana, New York state.

Applause.

Mr Phillips: The members opposite clap. I will just say, is this really, from a tax policy point of view, the route we want to pursue? Are we now saying that taxes in Ontario have to be lower than in our neighbouring jurisdictions?

This is the first time I can recall a budget that doesn't point out the tax rates in Quebec or Manitoba, our neighbouring provinces. It's all about Illinois, Indiana, Ohio, New York, Pennsylvania and Michigan—no provinces. It's all about our neighbouring states. It goes on here to point out proudly that when this tax cut is implemented, Ontario's combined federal-provincial corporate tax rate—this is what our corporate tax rates

are for businesses in Ontario—will be 10 percentage points lower than in neighbouring jurisdictions—not 10%, it's 10 percentage points—one third lower in Ontario than in neighbouring jurisdictions.

From a policy point of view we in Ontario, I gather, have decided we are going to compete with lower corporate tax rates than our neighbouring jurisdictions. I remind us that at the same time when we are attracting industry to Ontario, we say, "Come and locate here," because US manufacturers pay on average more than \$3,100 per employee for the kind of health care coverage provided by Canada's publicly supported system, whereas Ontario employers pay about \$540. So there's about a \$2,500 difference in cost per employee for health care here in Ontario versus the neighbouring jurisdictions. But from a policy point of view, we now have decided we are going to have lower corporate tax rates than our neighbouring states. So I say there's nothing magic about this. If we decide it's going to be lower corporate tax rates, unless someone can print money, it's going to be higher tax rates in some of the other areas.

That's where the policy debate should be taking place on Bill 72. Instead of imposing time allocation, we should be here in this Legislature making a decision: Are we going to attract business to Ontario with the dual promise of, "Come here and you'll get substantially lower health care costs," and "Come here and you'll get substantially lower tax rates"? I would say, by the way, that attracting business to Ontario on the basis of lower corporate tax rates is a challenge. If you want to compete on that basis, Michigan and New York state can race to the bottom very quickly.

For the first time that I can recall we now have said, "We are as a matter of policy embarked on a program of lower corporate tax rates." If that is the case and if we want to retain our health care system, where do we decide we're prepared to accept higher tax rates? We are today offering to cut taxes by \$4 billion to the corporate sector, a dramatic cut in taxes. We are offering to reduce the capital gains tax from 75% to 50%, a one-third cut in capital gains tax. Just that one move alone is going to represent \$1.2 billion less revenue.

The reason I raise these issues is that surely we should have a debate here in the Legislature, instead of imposing closure, instead of cutting off the debate, about how we have decided we are going to fund our health care system. I might add it's not just our health care system. The other cornerstone in how you do business in Ontario is our education system. This is what this document says: "Ontario is one of North America's most peaceful and secure communities, and our remarkable health care and education systems are publicly funded and open to everyone." So on the one hand we've decided we are going to pursue a tax policy of lower taxes in Ontario than in Illinois and New York, Ohio, Michigan and Minnesota, our neighbouring states—not just lower, but 10 percentage points lower. Instead of 40 percentage points, it's 30 percentage points, combined federal and provincial. But we haven't asked ourselves, we haven't

debated, "All right, if we pursue that policy"—and by the way, this is a five-year commitment. It will go from 15.5% provincial corporate tax to 8%. We're heading down that way. The capital gains tax, which is mainly going to those who deal in the stock market, is going from 75% to 50%.

But we haven't said what we're prepared to do to make sure we can fund, on a long-term basis, our health care and education systems. We are beginning to see in this budget the stresses and strains in our education and health care systems. We see in the budget that we are now spending in Ontario \$300 million less in provincial support of colleges and universities than we did five years ago. I think we're the only jurisdiction in North America that has decided to do that, to spend less money. In our elementary and secondary schools the government said, "We're going to cut your education property taxes and we'll replace that with provincial funding." Well, they cut the taxes but they never replaced that with provincial funding for elementary and secondary. In our health care system we hear daily—the promises today in question period, for those who were watching—of the enormous problems we are facing with shortages of physicians.

So as we move to cut off debate on what I regard as one of the most crucial debates we will ever have, Ontario now, according to this budget, is the most export-oriented jurisdiction in the industrial world. Ten years ago exports were equivalent to about 29% of our gross domestic product. According to the budget, it's almost 55% today. We've gone from 29% exports, the equivalent of our gross domestic product, to 55%. I dare say the government is now fixated on taxation levels in our neighbouring jurisdictions, in the neighbouring states. In this budget, almost the entire rationale for reducing the corporate tax rates is to get it 10 percentage points lower than in the US states around our border.

My question is very simple: How, in the end, do we implement this tax policy and continue to ensure that we have adequate resources to fund what the government says, and what I believe, are two essential elements to our society, our health care system and our education system? Tragically, we are ending debate today when we really should be continuing that debate. I don't think there's anything more fundamental than how long-term we fund our health and our education systems in Ontario. A \$9-billion tax cut without answering that question I think is bad planning.

1550

Mr David Young (Willowdale): I appreciate having an opportunity to speak today about this time allocation motion. I have a lot to say, but let me start where the member for Scarborough-Agincourt left off, because he posed some important questions to this assembly. I want to respond. I want you to know that we on this side of the Legislature care deeply about health care, we care deeply about education, but we have a different philosophy than our friends on the other side who believe that taxing and

spending and taxing and spending is the way to go. Of course, that's the way they went between 1985 and 1995.

We, on the other hand, believe you need to have the dollars to support those very important social structures within our society. That's why we believe tax cuts do stimulate the economy. When we said that initially entering the 1995 campaign, there were many—including many members of the Liberal Party and the New Democratic Party, but, to be fair, even many beyond—who thought, no, that can't work; that simply can't work. That won't grow the economy; that won't stimulate the economy.

The debate is over. It has worked. It has stimulated the economy. That's why we stand in this Legislature today proud to announce that not only is the budget balanced for 1999, but it is balanced for 2000. Of course, any of us who are younger than 50 years of age have not in our lifetime in this province ever experienced that before: back-to-back balanced budgets. In fact, what we have found are surpluses. I will talk about that in a moment, because that is very much unprecedented for this province: surpluses, and surpluses being returned to the taxpayer.

This legislation is aptly named the Taxpayer Dividend Act, and it goes on. But it's important to start there at the very beginning of its title because that has been the subject matter of a great deal of discussion throughout this province, the fact that this government has had the fortitude to stand and to say that we found that the taxpayers of this province were overtaxed last year. We have some of their money, we are in a position to return it to them, and we will do so. Every taxpayer in this province who filed for 1999 will receive up to \$200 back. They will receive a rebate.

From my discussions throughout this province, and I've had the privilege of travelling extensively over the past two weeks, I have had an opportunity to talk to a lot of average Ontarians who tell me without hesitation that what they intend to do with their \$200 is use it in a way that they believe and I believe is effective and efficient. They're going to buy new clothes for them or their children; they're going to pay down some of their debts; they're going to continue to stimulate the economy.

But this legislation isn't only about the taxpayer dividend. It's also about cutting corporate taxes. The member for Scarborough-Agincourt is quite right that that is a focus of this legislation. We've come forward and we've said very clearly that the corporate tax rates and the rates for small businesses are simply too high. We've heard that from representatives of business across this province, and in particular from representatives of small business.

When fully implemented, the tax cuts outlined in this budget will reduce the corporate tax rate to 8% in the manufacturing and processing field. That will be fully implemented in 2005, at which time this province, I say proudly, will have the lowest corporate tax rate in the country. I suggest that this will serve to be a magnet, a greater incentive for businesses to invest and expand

within this province, and we know the result of that from the experience we've had over the past five years. We know that expansion means more jobs, more people working, more people spending, more revenue coming in, and the supports available to allow us to have a health care system and an education system that we in Ontario expect and deserve.

I also want to talk about the fact that the small business tax rate in this province is being altered. The \$200,000 threshold for small businesses is being expanded to \$400,000. Remembering of course that that \$200,000 figure has been in place for almost two decades, it's time that we altered the legislation to reflect the fact that one can be a small business and yet have revenues of more than \$200,000.

The response that we have received from the public has been overwhelming and very, very supportive. We have heard from Judith Andrew, who is a spokesperson for small businesses across this province. She has said very clearly that we are heading in the right direction and that these changes will further stimulate the economy.

I may say that I'm very proud that within my own riding of Willowdale, the North York Chamber of Commerce president, who is not an individual who is afraid to criticize any level of government when appropriate, has come out in favour and is very supportive of these initiatives that we have brought forward in this budget.

In the time remaining, I'll have difficulty naming all of the incentives and initiatives that we have outlined in this act, but I do want to say that there are various aspects of this that in my consultations with the public have come up time and time again. Let me highlight those.

First and foremost, the personal income tax cuts: Yes, there are more personal income tax cuts. You will recall that during the last term this government cut the provincial share of personal income tax by 30%. We promised to do more. We have started down that road. This budget contains a further 5% cut for those in the lowest income category, and in the middle tax brackets a tax cut of over 7.4%.

Second, these amendments would increase the amount of the Ontario child care supplement for working families that is available to single parents. We've invited and challenged the federal government to match us in that regard.

Third, this bill would amend the Land Transfer Tax Act to permit the refund of land transfer tax payable on the purchase of newly constructed homes by a first-time buyer.

Fourth, this bill will cut the mining tax rate from 20% to 10% over the next five years. I had the privilege of being with the minister responsible for northern affairs this morning, and he related to me the elation that exists within many parts of northern Ontario about this initiative, about this incentive that will be in place.

The retail sales tax on vehicle insurance and on auto repairs and replacements under warranty will be eliminated.

As well, gifts to schools, universities and colleges will be exempted from retail sales tax.

These amendments have been well received. To share with you just a few comments, let me tell you what Joe Phillips in the Ottawa area had to say: "Overall, I'm quite pleased. Finally the government is starting to give back to the taxpayer. I think the middle class has been squeezed for a long time."

In the same region, Ottawa, Pat Crossman said as follows: "It'll be nice to knock a few bills down. We'll turn around and spend that money," meaning the rebate, "on something family-related."

To turn my attention, if I may, to the time allocation aspect of this discussion, let me say that it's time for action, not talk. I know some of the members opposite, in particular the members of the Liberal Party and the New Democratic Party, will say in response that we should be discussing this bill ad nauseam, that we should go on and on. They'll rant and rave about how this government is not listening to the people. That has never been true of this government, and it is certainly not true on this occasion.

Let me remind you of the fact that our government participated, as did many of the members opposite, in extensive pre-budget consultations. The standing committee on finance and economic affairs met with hundreds of organizations and individuals across this province. The committee travelled to six cities. They met in every region of this great province. In particular, I know they heard interesting submissions in Timmins and that the member opposite from Timmins-James Bay was present during that session. They were in Kenora, which is the riding represented by the leader of the third party. They were in Chatham. I'm sure the member opposite from Chatham-Kent-Essex is appreciative of the fact that our government not only invited submissions from individuals and organizations throughout this province, but actually went out to those regions of this province to make it that much easier.

I would invite you, Mr Speaker, and I'd invite the members in this chamber and those watching on television to consider the contents of this budget in conjunction with those submissions. What you will find is that many of the recommendations that sprung from these consultations are contained in Bill 72. We listened. We listened to the public and the members opposite, and we studied very carefully the submissions made.

1600

Frankly, it's not surprising that we want to move forward, that we want to move on, that we want to continue to stimulate the economy of this province and improve the lot of individual Ontarians. What is surprising, though, is that in the Liberal recommendations that were submitted to the standing committee on finance and economic affairs, there was absolutely no mention, not one reference, to deficit or debt reduction. That is surprising, particularly because we know the Liberals campaigned on those very issues in the last election. I listened with interest today, when the member for

Scarborough-Agincourt stood, and I wrote down his words because I wanted to get them right. He said: "Don't listen to what they say. Watch what they do." Well, the Liberals had a chance to do something. They had a chance to make submissions about issues they campaigned on, and they didn't. I doubt that anyone in this chamber—anyone in this province—will accuse the members opposite in the Liberal Party of substance abuse, because there is no substance there. They flipped and they flopped. The time for talk is over. The time to act is here. It's time to cut taxes. It's time to help small businesses. It's time to return to Ontario money that is their own through the tax rebate.

I will vote in favour of this initiative. I will vote in favour of more jobs and more tax cuts for this province. I will vote in favour of stimulating this economy.

Mr John Gerretsen (Kingston and the Islands): Let me start by saying that since the member for Scarborough-Agincourt was heckled earlier today with respect to the public debt situation in Ontario, by the government's own documents the public debt has gone up from \$90 billion in 1994-95 to \$114 billion today. That's on page 57 of the Ontario budget, clearly indicating that over the last five years the debt of this province has gone up by a further \$25 billion.

The other fact I always find very interesting is that we spend more money in this province on servicing that public debt than we do on all the community and social services the province provides. Again, looking at the government's own budget document, page 54, \$88.9 billion was spent on public debt interest last year, or is projected for this year, and \$7.5 billion was spent on community and social services. The interest on the public debt has risen rapidly, because these are the people who allowed the public debt of this province to increase by basically bringing in tax cuts when we were still running an annual deficit. It has already been stated that we are the last province to actually balance its budget.

The other point I would like to make to the last member who spoke, the parliamentary assistant, is that he should get his facts correct. He said quite clearly in this House just a few minutes ago that everyone who filed a tax return will get \$200 back. He knows as well as I do that he's incorrect in that. If you read this act, you have to pay Ontario tax before you get the \$200 back. There are many people in this province who filed tax returns and did not pay tax. They are not going to get \$200 back. So let's get our facts straight. Read your own bill, Mr Parliamentary Assistant. It clearly states that only people who actually paid tax get money back, not everybody who files a return.

Let me talk about one other issue that is closely related to this budget. The government has tried to put a very positive spin on this \$200 back to every taxpayer in Ontario who files a tax return. If they're so interested in paying off the public debt, why didn't they put it on the public debt? Better still, why didn't you put it into some of the badly needed services in this province.

We all remember the ads this government ran, and maybe is still running, against the federal government, basically saying to the people of Ontario: "Don't blame us for all the health care problems in this province. Blame the feds. They have, in effect, cut the amount in transfer payments to the province." But at the same time, they darned well knew—the cabinet knew, and the finance minister knew—that they had a surplus of \$5 billion last year.

So what were all those ads about? They weren't about the lack of money to put into our health care system in Ontario. They were purely about making a political statement that they felt they should get more money from the feds. That is what it was all about. I think it's dreadful, in a province where, as the Provincial Auditor indicated in his report last November, fewer than one in three patients gets treatment for cancer within the four-week prescribed period of time—32% of the people, according to his report—that we aren't putting more money into Cancer Care Ontario or into the research facilities and the researchers that are out there, so we can find a cure for this dreaded disease.

Many people I have spoken to over the last two or three weeks totally agree with me. They say, "Rather than giving me \$200 back, why aren't we spending the money to make sure our health care system is the way we want it to be in this province?" The government has been crying about the lack of funding, and they had this \$5 billion all along.

The minister one day got up in the House—and I have absolutely no doubt about the minister's good intentions—and she said: "We're actually doing something in the cancer care area. We've gone from a 32% response rate to a 35% response rate." Thirty-five percent of people get cancer treatment within the four-week prescribed period of time after they are diagnosed. Think of the trauma those individuals and those families have gone through, and we're not treating them. Yet we had enough money to put into the system to at least get the human resources, so we can boost up the cancer clinics across the province and start treatment earlier. Let's put more money into research, so we can get a cure for cancer earlier. That's where the money should have gone.

As I stated in the House last week, it's a well-known fact, and sort of a joke within political circles, that at one time we used to buy people's votes with mickeys around election time. What is this government doing now? They're trying to buy people's votes by sending them a \$200 cheque. I'm positive that this isn't going to be a one-time occurrence.

Think of the administrative cost involved in that. We're probably looking at \$3 million or \$4 million. If they really wanted to give it back, why didn't they at least save that money and change the tax tables for the last six months of the year, and paycheques could have been increased by that amount? It is all very cynical politics. You know it and I know it.

Let's look at some of the other priorities. If you play the stock market and get a stock option, the first

\$100,000 you make this year is tax-free. There will not be any tax charged on that. That is going to cost the taxpayers of this province \$645 million. Is that helping the average Ontarian? I don't think so. It's great for the people who play the stock market, but it certainly doesn't do anything for Ontario society.

What about the \$90-million cut in the Ministry of Municipal Affairs and Housing budget? It's right here on page 54 of their own document—it's not my party's propaganda. Last year the ministry spent \$1.7 billion, and it's going to \$1.6 billion, a cut of \$90 million. This basically means there is no money for the homeless, no money for housing. Both the federal and the provincial governments should get their act together and start putting some money back into direly needed social housing in this province.

How about the environment? Again, from their own document, page 54, what's been happening there? Look at the Ministry of the Environment. The budget has been cut from \$174 million to \$158 million, almost a 10% decrease. Yet what do we see today? We see today headlines in all the Toronto newspapers that say, "Water Pollution Violations Triple in Ontario", "Water Pollution Still on the Rise." The kind of answers we got today from the minister were just pathetic. Rather than saying, "Yes, we are going to enforce; yes, I'm going to go into cabinet and to fight for more funding, so we can get the enforcement officers so we can deal with the pollution problem that's out there," there was none of that. There's simply compliance to the polluters. It's great to say we're going to raise the fines, but raising the fines doesn't mean anything if you don't put the prosecution efforts into those areas.

I think government is all about fairness, and this government simply has not been fair with all of the taxpayers and all of the residents of the province. This is a great budget if you're well off or if you're playing the stock market, but it's an awful budget if you happen to be in the lower economic third of the population of the province.

1610

Mr Wayne Wettlaufer (Kitchener Centre): I'm pleased to stand and debate the time allocation motion on Bill 72. I will admit that I will be supporting the time allocation motion and I will be supporting Bill 72 as well, the reason being of course—it's not central to my focus, but the taxpayer dividend is certainly a reason.

Let's look at the taxpayer dividend. Why, first of all, are we giving a taxpayer dividend? The critics and the opponents over there say, "Oh, well, mismanagement created this huge surplus and you're just giving the money back to the taxpayers." Let me explain something: Mismanagement doesn't create surpluses; mismanagement creates deficits. That's something the Liberals never understood, that's something the NDP never understood, and that's why we had deficit after deficit, which created so much more debt in this province that, as the member for Kingston and the Islands says, there's \$9 billion a year going out in interest payments. Of course

there's \$9 billion a year going out in interest payments. It's because of the debt that your two governments built.

There has not been one iota of increase in interest payments in the last five years. You didn't read the figures properly. You didn't read it. We have lower interest rates on the debt that we have now in the province, and as a result of those lower interest rates we pay less. That's the way it is in real life. The Liberals have trouble with that. I know that. That's how it goes.

One of the pages brought me some information here. Thank you. I'm not going to refer to it at the moment.

Ontarians have said over and over again since the dividend was announced in the budget, in Bill 72, "We want that \$200." In the news clippings every day the people are saying: "We want that \$200. It's our money." Of course it's their money. The Liberals seem to think it's their money and the NDP seems to think it's their money. It doesn't belong to government; it belongs to the taxpayers.

Yes, the taxpayers paid more than was anticipated last year, and that was because even in our wildest dreams, even in all the economic experts' wildest dreams, the estimates were for 3.8% growth in the GDP of this province for fiscal year 1999-2000. What happened? We had fiscal growth of 5.7% in the GDP. Just think about that. How did that relate to US growth? Because the US growth of course is the one that's always used by our opponents and our critics in saying, "Of course Ontario's growth is so good; look at how the US economy is doing." We far exceeded US growth. We far exceeded not only US growth, but all other provincial jurisdictions in Canada, which also, I might add, trade with the United States. If Ontario is doing so well because of the United States growth, then how come all the other provinces aren't doing so well?

We far outstripped Canada's GDP growth. We far outstripped the GDP growth of all the industrialized nations in the G7 countries. How is that possible? I would say that we exhibited foresight. We knew that if you would reduce taxes you would encourage growth. We knew that five years ago. We heard that from people—the people of Ontario, business people, the average taxpayer—in 1993 and 1994 when the Common Sense Revolution was being drafted. We had our people going around listening to the citizens of Ontario telling us what they wanted, what they knew could happen in this province, which at that time, as you will recall, was mired in a made-in-Canada recession.

We knew it was going to happen; it has happened. The argument is over. There is no debate any more. We have created an environment in which 701,000 net new jobs have been created since we were elected in 1995. Tax cuts create jobs; that we know. If people have jobs, they spend money and that grows the economy. We said that in 1994, we said it in 1995, we said it in 1996, and we keep saying it. And even though the facts are there for everyone to see, our critics and our opponents across the floor don't see that. They don't understand it.

The Liberals say we should spend money here or we should spend it there, or another place, and the NDP of course repeat it, like dogs following their master. Our government is not influenced by any lobby group. We are not going to have someone come and say, "Oh, we have to have money for this or that project." They may come, but we can't listen. Our responsibility is to manage the economy for the common good in the province of Ontario and, in turn, it just so happens that Ontario is the engine that drives the Canadian economy. What has happened? The Canadian economy has grown as well. So I'd say to Jean Chrétien, "Before you take too much credit for the growth in the Canadian economy, look at what has happened in Ontario, no thanks to you, sir."

We had a surplus of \$654 million in fiscal year 1999-2000. That surplus of \$654 million was in spite of increasing health care spending by more than \$1.4 billion. Since coming to power in 1995, our government has increased spending on health care—let me repeat that: We've increased spending in health care since 1995 by \$4.4 billion, on top of the \$1.7 billion cut by the federal Liberals, for a total increase in health care of \$6.1 billion.

I know the provincial Liberals will remember this. They certainly don't want me to remind them, but I will anyway. Do you remember the red book? In 1995 it said that the Liberals would spend \$17 billion a year on health care. Well, son of a gun, we will increase spending on health care by the end of next year to the \$22.7 billion that we had said in our Blueprint we would spend over the next four years. We will be two years ahead of schedule in spending that \$22.7 billion a year on health care. I wonder how the Liberals think their paltry \$17 billion would match up against \$22.7 billion being spent by us.

1620

Mr Gerretsen: That was 1995. Come on.

Mr Wettlaufer: Oh, you're saying that was 1995. Now you're saying you'd change it? That's not what you said in the red book.

Let's look at some of the items that were included in the Taxpayer Dividend Act. We are going to phase out—I take great pride in this because I suggested this to the finance minister a year ago—the provincial sales tax on automobile insurance premiums, which is presently at 5%. We're going to phase that out over a five-year period, 1% a year. Some of the critics say, "You should have cut gasoline taxes." Number one, we would not have any reason to believe that the oil companies wouldn't soak up that reduction. Number two, there's no evidence to indicate that that would have saved taxpayers more money.

As you're aware, Mr Speaker, because you are a former insurance broker like me, the PST on automobile insurance premiums represents a rather significant portion. I know for a fact from my experience, as you would, that the poor consumer of automobile insurance products was pretty upset when the NDP imposed that automobile premium PST. When the average consumer looks and sees a \$200 or \$300 PST on his automobile

insurance premium, he can get rather upset. So he's going to be rather thankful we've done that.

We've also extended the land transfer tax for first-time buyers of new homes. As you're aware, we introduced that two or three years ago and we are now making it permanent. When you consider the thousands and thousands of homes that are built—I believe this year 27,000 new homes are being built in Ontario—that's rather significant.

Another item is PST on warranty repairs and replacement. Imagine that someone who has an item repaired or replaced under warranty has to pay PST. That's thanks to the lack of foresight by the two previous governments. We're rectifying that. It makes a lot of sense to consumers in Ontario. They are going to have more money in their pockets and can spend it the way they want.

People investing in mutual funds and stocks—and I can just hear the hullabaloo on the other side now. They're saying, "How can you reduce capital gains taxes from two thirds to a half on these wealthy people?" Might I remind them that the wealthy are not the ones who are doing all the investing in mutual funds and capital gains today. They are the average middle-class Joes like you and me. They're hoping to put aside some money for their retirement.

There's another factor in this. There's also the young element, youthful persons who want to invest in the stock market because they aren't too confident about their ability to receive CPP down the road because, as we all know, the Canada pension plan is not actuarially sound. Even with the increased premiums that the federal government is charging, CPP is not actuarially sound. Young people know that. They're very concerned that they're not going to be able to collect that. They want to provide for their own pension, so they want to invest in the stock market and hopefully gain a little bit—capital gains, they call it. But you people—I'm referring to the Liberals and the NDP—want to tax away two thirds of the gain. Even 50% is plenty.

There's something else we have to look at here. Do you know that for years it has been accepted practice that companies, fledgling companies, R&D companies, would pay their employees a bonus in stock options? These people, the Liberals and NDP, believe we should tax those stock options the year they're received. Think about that. No money has been received. They've got a stock option but they think they should be taxed.

Interjection.

Mr Wettlaufer: The member for Kingston and the Islands is over there yammering away. I know what your position is. I understand that. They want to tax those stock options as if that was cash received.

We are saying the first \$100,000 of those stock options should not be taxed. If we keep on taxing that, then this encourages, this adds to, the brain drain in this province and in this country. These individuals who are so capable of doing fine research, the most intelligent of our university students and our college students, the most

intelligent of them, will go to the United States and work in Silicon Valley and they won't have to pay any tax on any of their stock options. Yes, they'll have to pay on the capital gains when they sell them, but that's OK then. I don't understand the thinking of the critics in our opposition across the floor.

It's like Jean Chrétien. Jean Chrétien said only a few months ago—

Mr John Hastings (Etobicoke North): Who?

Mr Wettlaufer: Jean Chrétien, the Prime Minister of this country, said a few months ago when this was being discussed with him prior to the federal budget: "So you think we're paying too many taxes? Then you can always leave the country." Jean Chrétien said that.

We don't want the brightest of the bright leaving this country. We don't want the brightest of the bright leaving this province. We want them staying here providing future employment opportunities for the youth coming on in the next generation.

The member for Scarborough-Agincourt says we've added \$24 billion to the debt and then he says, "Can we afford another \$9.2 billion in tax cuts?" He is well known as the biggest naysayer in this House. Naysayer? Of course he is. What did he say for four years in the last Parliament? He said: "This government will never create 725,000 new jobs. Look at this. They've only created 100,000," or, "They've only created 200,000." He said this forever and ever.

Of course we knew there was economic lag. We knew all about that. He didn't know about economic lag, just like none of the Liberals know about economic lag, but it exists. What has happened? Before five years were up, we had created an environment in which 701,000 new jobs have been created in Ontario.

He says, "You're offering to cut corporate taxes and capital gains taxes." Yes, we are. Because we don't want the bright young people of today's universities and colleges leaving for parts unknown. We want them to stay here.

Small business: There are 7,500 small businesses in this province which will benefit from the concessions we're making, increasing the small business tax rate to \$400,000 income, from \$200,000, cutting their taxes from 8% to 4% over five years. Seventy-five hundred small businesses in Ontario will benefit, and those small businesses create 80% of the jobs in Ontario.

The case is closed. Tax cuts create jobs. Jobs create an enhancement to the economy. If the economy grows, we all benefit. We can then cut more taxes. We can increase spending in health care. We can increase spending in education. We can increase spending in children, and children are our future. I am very happy to support this bill.

1630

Mr Ernie Parsons (Prince Edward-Hastings): I'm pleased to speak to this bill, although again I would express disappointment that so many important items before this Legislature have time limitation placed on

them. Evidently they don't hear from this side, because they don't even want us to speak.

Thinking of Bill 72, which is being time-limited, I'm pleased to see that the person who creates the humorous little titles is back, with "An Act to pay a dividend to Ontario taxpayers." I guess he was down in New Jersey for a while getting some new, fresh ideas to implement up here. I would note, though, that it says "An Act to pay a dividend to Ontario taxpayers." I don't think Ontario taxpayers have ever viewed the province as a corporation. I think it's fair to say for everyone that their desire would be that they pay the least taxes possible to provide the services they need. I would put emphasis on the services they need. Everyone likes the phrase "tax cutting," but we need to remember that the budget is really just the services that this province provides expressed in dollars. So when we say "tax cuts," we're also saying "service cuts." That shows up in every member's riding, no matter which side of the House they're on, on a daily basis.

Think of what these tax cuts have done to things in Ontario over the last five years. The environment: Everyone on the other side pays lip service to the environment, but we've now seen this new budget produce a total of 40% in cuts to the Ministry of the Environment. We have an issue that I think is of concern to everyone, which is the supply of water in this province. This government continues to grant water-taking permits while not knowing how much water is presently within the system. They grant water-taking permits without inspectors there to monitor. It is being self-monitored. That doesn't work in restaurant inspections; that doesn't work in meat inspections. Why would it work in water?

Disabilities: again, lip service to disabilities. We've seen an attempt to pass an act last session that turned out to be merely hollow. I, within my riding, have libraries that people who are disabled cannot have access to. This government will not fund the elevators to allow disabled people to visit their community library.

Hospitals we don't need to talk about at length; we need only read the letters to the editor, and each member needs only to think about the letters coming to their riding.

Home care: We're seeing hospitals discharge patients sooner than they have done in the past, sent home not necessarily to someone able to help them, perhaps to no one, yet home care is not able to fund the resources they need to support these people. What has been saved on the hospital closing end has not shown up anywhere in helping the patients.

Seniors, with their minute tax cuts, are experiencing drug delisting in a big way, in a very serious way. The \$200 will be a little bit to go towards paying the fees they are going to pay for that.

Transportation: With the size of our province, the economy of our province depends on transportation. What have we seen? We've seen a multi-tiered system of transportation come into place. If you have a lot of money, you can drive the 407. If you're driving the rest

of the highways, we're seeing a substantial reduction in them, and so much of the highway system that we were proud of in Ontario has gone to municipalities without the funds to match. Some day within the next five years, this province will face a crisis on the funding of bridge repairs. They are an item that cannot be ignored, and municipalities simply don't have the resources to do it.

The \$200, though: What a neat, cute idea, to use the public's own money to get re-elected. Of course it is greeted initially with enthusiasm. If you had someone in your home and you said to them, "Would you like some candy?" the natural response is, "Yes." But I think given a few minutes to think about it, they would say, "There are things that are better for me than that candy." In the cool, calm days following the announcement about the \$200 rebate, I believe there's now a sense that the government has a responsibility to do something meaningful with that money. For people who are on a waiting list to get into hospital, the \$200 will do nothing. The member for Kingston and the Islands referred to cancer treatment, where we have the unenviable record of going, over the life of this current government, from 32% to 35% of people getting care within the time they need. Even within that care, if you want cancer treatment in Ontario it helps a great deal if you live on a Greyhound bus line, to make it more convenient for you to go to the US to get that treatment. That's one of the conditions now for cancer treatment in so much of Ontario.

We hear about job creation, but I'm not sure what that means. Tom Long, an individual who spent some time with this party, says the economy's in the dumps in Ontario and in Canada. It's the worst it's ever been, and he has to be elected to save the province from continuing its downslide. Ernie Eves says things are absolutely wonderful in the province. I don't know what the truth is, but I know there are an awful lot of people enjoying some of those new jobs that are minimum wage jobs and a-few-hours-a-week jobs. They're looking for real jobs that pay them enough that they can support their families, not just a few hours a week. They need real jobs in Ontario, not part-time, minimum wage jobs.

I believe Bill 72 does not go anywhere in the direction it should to provide services to the people of this province.

Mr Doug Galt (Northumberland): I was rather entertained just listening to the most recent speaker and some of the comments the member from Prince Edward-Hastings made. In my opening remarks here I'd like to make a few comments.

He talked about water-taking permits. Obviously he's after headlines in the local paper again. He should check with the Ministry of the Environment and understand how responsibly that ministry has acted in the past on water-taking permits. Maybe if he understood the process it goes through, such as a 72-hour pump test that monitors surrounding wells for groundwater, he might not ask those kinds of questions in the future.

I was in the middle of his riding on Friday morning for two hours on CJBQ. Half the calls that came in were

compliments to the government on what we were doing. There was no criticism of the budget and there was no criticism on some of our changes to education. I'm sure he or some of his staff probably were tuned in listening. I even complimented the member from Prince Edward-Hastings. I managed to do it; I really did. I said some nice things about him on the radio.

He talks about \$200 to get re-elected. If it was an election year, I could understand where he was coming from. But \$200 and the election three years away? Who will remember in three years' time? It's being given back—and really not being given back; it's their money. It's theirs to keep, to invest or use as they see fit.

Then I was surprised—he talks about job creation. I think he sees the figures, Stats Canada from a Liberal government: 703,000 net new jobs. How much are you going to argue with that kind of thing?

I have about four or five minutes. I want to leave a few minutes for the member from London-Fanshawe. I'll just skip through and highlight some of the things in the speech that I wanted to talk about.

One is about the extensive consultations that this government has carried out. It's been referred to earlier, the tremendous consultation as it related to this particular bill. The standing committee on finance and economic affairs spent approximately 20 days, as I remember—I was Vice-Chair of that committee. We were across northern Ontario, western Ontario. We sat for many, many days here in Toronto—an extensive collection of information. Then I chaired the Task Force on Rural Economic Renewal. Again, we travelled the province: some 14 municipalities, 19 different meetings. That's the kind of consultation this government has been doing, collecting a tremendous amount of information to put into the budget. Certainly the kinds of things that we were hearing out there were: "The tax load is so tremendous, we just can't get ahead. We're just not going anywhere because of the tax load that's on us." The listening was very genuine, and we came back with some great information for our Minister of Finance.

Part of this bill and the budget is about ensuring that prosperity continues. The prosperity is here. Ontario is the engine that's driving Canada. It's the reason that Canada is doing well. It's the reason the feds managed to balance their budget, and it's the reason that many other provinces in this great nation of Canada are now having balanced budgets just because of the stimulation in the central part of Canada.

This budget is a very special milestone, having balanced two budgets in a row, and I find that just tremendously exciting.

1640

We're making strong investments in many areas, one in particular, benefits for children. There are a lot of areas where we're helping children in this particular bill. Single parents are gaining \$210 in benefits. Some 77,000 children will be better off because of this. There's some \$50 million that we're putting forward. We're challenging the feds to match it, for them to put their money

where their mouth is. That indeed would be something different for the federal Liberals. There's a tremendous, broad array of—

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I've just come from the committee hearings dealing with Bill 62 at this moment. As you know, the committee at this point is supposed to be dealing with the issue of clause-by-clause on the municipal referendum bill and the creation of the Moosonee Development Area Board.

The Acting Speaker (Mr Michael A. Brown): Order. You'll recognize this debate is time-allocated. Perhaps it would be better to raise this during your party's time.

Mr Bisson: That's the reason I am up here.

The Acting Speaker: Just stop the clock then.

Mr Bisson: Mr Speaker, we're at a bit of a loss because we find ourselves in a situation where the bill in the House is time-allocated and the bill in the committee is time-allocated, and that's the issue that we need to deal with. What's happening is that the opposition parties are trying to bring in amendments to the bill in order to fix the problems that the government has created by the legislation, and the way they've written the time allocation motion, they're denying our ability as opposition members to be able to deal with our factual amendments to the bill. I'd like some assistance from the Speaker to allow us the time to at least debate those amendments within the committee, not just have them brought to a vote.

The Acting Speaker: As you're aware, the bill is at committee. The bill is under an order of this House. Those issues need to properly be dealt with at the committee.

Mr Bisson: On a point of privilege then, Mr Speaker—in 30 seconds or less: I find it very offensive and very difficult in this House that on every turn that the government introduces legislation, it is by time allocation, taking away from the democratic process the right of the opposition to do its job in order to make sure that these bills are properly committed. You can't do that with this kind of process.

The Acting Speaker: It may be a point of interest but it is not a point of privilege.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Speaker—

The Acting Speaker: Stop the clock.

Mr Colle: —the problem is that we have no other place to go to express this concern, because it is time-allocated, and the bill before committee, by time allocation, has to be dealt with today. So who—

The Acting Speaker: You need to appeal to the Chair of the committee. That's the proper course here.

Interjection.

The Acting Speaker: Order. We are operating under an order of the House. The committee decides these issues.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: I was in

that committee meeting and everybody agreed that day, so I don't understand what the objections are.

The Acting Speaker: Again, that's not a point of order.

Mr Colle: On a point of order, Mr Speaker: This is quite an unusual situation. It's the inability of a member of the committee—

The Acting Speaker: We'll not discuss this any longer—

Interjection.

The Acting Speaker: That needs to be dealt with at the committee. The member for Northumberland.

Mr Galt: On a point of order, Mr Speaker: I've lost two minutes of my time. I wonder if the clock could be set back.

Thank you, Mr Speaker. What I wanted to point out when I was so rudely interrupted were some of the investments that we're making: some \$7 million for children's eating disorders; some \$6 million for pre-school speech. Some \$10 million for domestic violence is added to that particular program. In education, some \$70 million for special education is added to the \$40 million already there.

There are exciting areas in rural Ontario, where some \$600 million is going into the OSTARD grant; eliminating the retail sales tax at source; some \$23 million to the bus operators; \$4 million for tuition to get physicians through to go into rural Ontario.

This bill is about ensuring prosperity for the future. I hear the opposition complaining "time allocation," but you know, if we didn't put forward a time allocation motion, nothing would ever get done in this particular House. I think it was very unfair of them to use all kinds of points of order to use up our time, a total of at least two minutes that were consumed by them just playing games here.

But I'll now sit down so that the member for London-Fanshawe will have a few minutes.

Mr Frank Mazzilli (London-Fanshawe): It's a pleasure to speak on this time allocation motion, Bill 72, the Taxpayer Dividend Act. The reason this is time-allocated is because if it were not time-allocated, the Liberals would never cut taxes. There would never be a good time, because they just don't believe in cutting taxes.

This morning I was at the national science fair held in London. Some of the youngest and brightest from all of our ridings across the province, representing the province of Ontario nationally—these are young people whose scientific projects are amazing for their age. We have some young people certainly who are our future, but they need an environment in which they can prosper, an environment in which their inventions in the future will keep them not only in Ontario but in Canada with a tax structure that is very competitive.

That's what's happened in Ontario: A tax structure that is very competitive has brought new jobs—as we've heard, 703,000 new jobs. Approximately half a million people no longer have to collect welfare. These people

did not want to collect welfare. It was the system that just allowed for no hope and no opportunity. Today, people are enjoying and prospering because of that strong growth in the economy.

The thing that's very interesting is that the provincial Liberals talk about debt. The federal government has increased the national debt by over \$200 billion before they even balanced the books, and you know what? They didn't even cut taxes. They haven't even cut taxes. So obviously what we're doing in Ontario is proper.

One other thing: Not only do they not fund health care in our province—they're down to a 10% contribution—but our road infrastructure—the federal government takes gas taxes out of Ontario and gives back not even what, 20% of the old budget? Do you know that in Texas, 98% of the federal gas tax goes back to the state of Texas? They have \$3 billion a year spent on roads and infrastructure. It's common sense that if you want your economy to thrive and to be prosperous, you need a road system that can handle the traffic. But of course, no, the federal government takes the money out of Ontario and gives back none—none for health care, none for road infrastructure.

So what do they use it for? Let me tell you: a \$3-billion boondoggle, HRDC grants. You know where it all ends up? In the Prime Minister's riding, of course, and nowhere to the benefit of taxpayers in the province of Ontario.

I'm pleased as a member of this House to do the proper thing and return taxpayers at least \$200 of their own money.

1650

Mr Bruce Crozier (Essex): Once again, I was prepared to debate the budget and, once again, another bill is on the floor, another closure motion, another shutdown of debate.

What I wanted to do when I spoke to this budget was to find somewhere, in \$59 billion worth of operating expense in this province, that there might be \$28,000 or \$30,000 to get the Pelee Island ferry back in operation. The total operating budgets of agriculture, tourism and transportation together is about \$1.59 billion. If we were to take that \$28,000 or \$30,000 that we'd like to use to get our ferry back in operation to Pelee Island and help those people stranded out in the middle of Lake Erie, it would take 0.000026% of that budget.

But what happens? We ask the Minister of Transportation to assist, we get nothing. We ask the Minister of Agriculture, Food and Rural Affairs to assist, and if you can absolutely believe this, part of his answer was, "They need to be able to get back and forth as best they can." Well, that's great leadership. We haven't even heard from the Minister of Tourism, and there are thousands of dollars a week being lost from tourism on Pelee Island because their season is only seven months long.

Let me read to you an e-mail that I received today. It says:

"Dear Mr Crozier,

"Keep up the great effort, ie, trying to get the Pelee Island ferry operating again. July last year, we received possession of a building on prime property on the west side of Pelee Island. My store is called Down the Lane Clothing Boutique. I expanded and did renovations over the winter and was looking for an exciting and prosperous new season. This strike is affecting me economically and I may lose everything. I still have bills to pay. How will I ever make up the loss? Please inform me as to what's happening. I have bills to pay and no more money coming. Thank you for listening to our plea on Pelee Island."

It says, "Tell me what's happening." Frankly, there's nothing happening. I asked a question of the Minister of Agriculture on Thursday, because there's a huge agricultural investment at stake on the island. What does the minister do? He says, "They should find their way back and forth as best they can," and he sloughs it off then to the Minister of Labour. He tried to cloud the issue by saying, "That's a federal issue." It's the standard rhetoric of the government to blame somebody else. It's not a federal issue. The feds have appointed a mediator. That's all they can do. But it's up to the Minister of Transportation to come to the fore, to show some leadership and to help avoid economic disaster on the island. They depend on this lifeline.

If a bridge had caved in on Highway 401 this past week, I wouldn't doubt the Minister of Transportation would be out there in his BobCat just shovelling dirt as quickly as he could. They even have alternative methods of getting around a disaster like that on the highway. But what does he do when the highway ends at the dock in Leamington or Kingsville? He says, "It's not my responsibility. I'm at arm's length from this. I can't do anything." It's his ministry that pays for it. It's his ministry that has a contract with Ontario Northland. It's his ministry that has a contract which, as far as I know, is cost-plus, so therefore it's his ministry that has to authorize these expenditures. When I say "as far as I know," we've tried to get the most recent cost figures from the island; we can't get those. We will be trying to get a copy of the contract. I suggest that we'll run into the same kinds of roadblocks.

In just a couple of weeks, I have a file that this is only a sample of. We've received hundreds of letters from people on both the mainland and the island: residents, businesses, businesses in the agricultural sector who are all pleading for help in this dispute. As I pointed out, if you look at the operating budgets of these ministries, the cost to settle this strike at this point is minuscule.

Two years ago, the rates on the transportation to Pelee Island increased some 35%. What these non-licensed dock and deckhand workers are asking for is 3% a year over two years. They're only 1.5% apart. Why won't Ontario Northland or the Minister of Tourism or the Minister of Agriculture say to the Minister of Transportation: "Look. We'll help you out. If these budgets are so strapped, we'll just help you out a little bit because we want to help those people on the island"?

This is the government that wants small business to flourish. They are small businesses on the island, and I would have hoped that somewhere in this budget they would walk the walk they are talking, that they would say to these small businesses and small farmers on the island, "Yes, we want to help you, and we understand that you are so close that we should get this strike settled, because your season has started." One of the holiday weekends is coming up this weekend. These are tourism dollars that once lost are gone. Folks who are travelling to Pelee Island—the birdwatchers during the month of May—are going to go back home and may never come back because of what has happened this year.

We have a small island in the middle of Lake Erie. A couple of years ago, when we were on our way to having it locally operated, financed and run, when we were well into the negotiations, after we had spent \$75,000 on the study, and a committee I chaired of the municipalities and interested parties said, "We're on our way to a solution," this government said, "No, we'll leave things the way they are." Well, things certainly are botched, Minister. Nobody is helping the people on the island. Ontario Northland isn't helping, the Minister of Transportation isn't helping, the Minister of Agriculture isn't helping, the Minister of Tourism isn't helping and the Minister of Labour surely didn't add anything the other day toward solving this problem. Get up, show leadership and let's get this thing settled.

Ms Marilyn Churley (Broadview-Greenwood): Once again I'm on my feet to speak to a time allocation motion.

Mr James J. Bradley (St Catharines): Are you sharing the time with yourself?

Ms Churley: Yes, I'm sharing the time with myself today.

I understand there are some very angry opposition members from both the New Democratic Party and the Liberal Party who came in here, not to take away members' time, but because they're furious that in committee at this very moment on Bill 62, the municipal bill, they were supposed to have an opportunity to at least ask questions about amendments that are coming forward. They are now denied the opportunity to discuss any of them. They're going to be rubber-stamped. The government should have learned by now. Remember the previous municipal bill, the one about property taxes? I believe they had to bring it back into this House nine times because they kept getting it wrong.

There is a role for opposition in this House. The government members don't know it all; we have different philosophies about different things. And furthermore they make mistakes. Committee hearings and committee processes are supposed to be there to give opposition and government members an opportunity to discuss a bill, make amendments and ask questions about those amendments. I expect that more will be heard about this tomorrow, because I understand the opposition is very angry and very upset about this, and for good reason.

Now here we are in the Legislature once again, debating another time allocation motion. It's a daily occurrence in this place; let's just rush everything through. Government members, one after the other, were on their hind legs today repeating the mantra, joyfully proclaiming, "The debate is over." How very arrogant and how very short-sighted and how very silly. Anybody with a brain in his or her head should know, and does know, if truth be told, that the volatile global economy means that the Ontario economy is almost totally dependent on a good economy in the US. Therefore, if things go wrong in the US, things are going to hit us here, as happened in the 1990s. Despite the mantra from the government members, every now and then even Ernie Eves, the finance minister, admits that it wasn't the NDP's fault that there was a recession. He might disagree on how we dealt with it—no problem with that; we have different ideas about how to deal with these things. The problem here is that you all know that the NDP didn't cause the recession.

1700

Mr Wettlaufer: The Liberals did?

Ms Churley: The Liberals didn't cause the recession. The recession would have come, believe it or not, even if you guys had been in power. I remember sitting there when the Minister of Labour was over here with his "Call the Police" sign. I had that, but I've lost it. I have to find it again. Others would stand up in this House day after day and ask us to spend money—they all had their pet causes—

Hon Chris Stockwell (Minister of Labour): Not me.

Ms Churley: Maybe not the Minister of Labour, but almost every one of his colleagues was in this House day after day begging the NDP to spend money, and then would get up and slam us for raising the deficit.

Interjection.

Ms Churley: The reality is—no, you guys are actually spending more money. You have the revenues coming in. They've got the revenues. They know that if a recession hits, God help them and God help the people of Ontario, especially the lower- and middle-income, with these guys in power. They are going to be in big trouble.

Sooner or later, unfortunately, there is going to be a recession, there absolutely is. It may not be for several years; let's hope it isn't. But God help us if it happens under this government's watch, because they have decided to claw back millions of dollars in revenues, to give it back mostly to the rich and the corporations in this province. This last budget was absolutely—

Interjections.

Ms Churley: There they go. They don't want to admit it. They're getting riled over there.

It was like the federal Liberal budget in Ottawa, actually, a carbon copy. As you know, the federal Liberal Prime Minister and finance minister congratulated the Tories on their budget and said they copied the Liberal budget in Ottawa and that the greatest compliment is to copy. Furthermore, Paul Martin indicated that he may in

fact do the \$200 mail-out. He liked that idea so much and wished they had thought of it first.

The reality of this budget is that somebody earning over \$330,000 in Ontario will get about \$10,000 out of the Conservative tax cut, but a family that is struggling with an income of \$30,000 will get about \$100 in the tax cut.

Hon Mr Stockwell: Where did you get those numbers?

Ms Churley: They're genuine numbers. Twenty-five per cent of all tax filers don't make—

Interjections.

Ms Churley: Boy, they're so arrogant. They really think they know it all. That's OK, I can handle it. There's something wrong with any numbers that come forward from anybody else but them.

Twenty-five per cent of all tax filers don't make enough money to pay taxes, because they refused to raise the minimum wage. Even though the rich in this province are benefitting from the boom we are in, they refuse to raise the minimum wage. So lower-income people, families that are struggling to survive, cannot participate in this booming economy we are in right now, thanks to the US. About 25% of people in Ontario won't get a cent back from the government.

What do we have here? Over \$1.3 billion in new tax giveaways this year and \$4 billion by the year 2004. This is on top of the previous tax cuts. This is a gift to corporate Ontario. Forty-two of this year's 67 tax cuts go to profitable corporations and businesses. Twenty-seven per cent of the new income tax breaks go to 5% of income earners, at a cost of \$733 million. So things Ontarians are naming as top priorities—health care, education and the environment—have taken a back seat to more tax cuts for the wealthy and for corporations.

Let's talk about health care for a second. For every dollar lost to tax cuts, the Liberals in Ottawa devoted just two cents for health care. But for every dollar lost to tax cuts, the Ontario Conservative budget devotes just a penny for health care. That's what this budget is all about, and that's what the members don't want the opposition to be talking about, which is why they have time allocated this today. Let's get it through the House.

The environment: Wasn't it incredibly shocking that when the government came forward with a balanced budget—they still have a debt and the same credit rating as the NDP, because they've been borrowing money all these years to give a tax cut to the wealthy before they pay down the deficit. The government members like to laugh, and they will again, but I'm going to tell the truth here. Had the NDP been re-elected, the deficit would have been gone years ago, because we would not have been borrowing money—

Interjections.

Ms Churley: See, they are laughing, but it's the truth. We would not have been borrowing money to give away to the rich people of Ontario. That was a priority of ours. In bad times, in recessionary times we chose—and I know the Tories disagree with this approach and

obviously so did many Ontarians, because we were booted out. Our approach was to try to keep people afloat, especially the most vulnerable in this province, during a very bad recession that hurt people extremely badly. That was our choice. We also chose to invest in the environment. It was shocking beyond words when this budget, in a robust economy, came forward and, guess what? I couldn't believe my eyes. They cut the environment again.

Mr Hastings: Not true.

Ms Churley: "Not true," Mr Hastings, the member from Etobicoke, yells out. It is true. Read your own budget. You cut it by another \$16 million. That is now a total of \$100 million gone from the Ministry of the Environment budget since the years 1994-95, when we were in government. Do you know what? I'm going to stand here and tell you that I'm proud that in recessionary times our government chose to invest in the environment and protect people's health and the environment in this province. These people have now cut \$100 million; that's 39% less than in 1994-95. They've laid off over 500 people and they also admitted, in an internal document of a couple of years ago, I believe it was February 1999—a delivery strategy they called it that directed MOE not to enforce dozens of environmental laws and regulations. That was before this cut. That was already there. So the government in this budget not only cut the environment but they actually are giving subsidies and expanding subsidies to things that are environmentally destructive.

They have put in new subsidies to the mining industry. These initiatives have been announced despite—you should listen to this—estimates that the Ontario taxpayer you seem to care so much about will be paying anywhere from \$300 million—a very conservative estimate—to \$3 billion for the remediation of abandoned mines in the province. You can't just hand out money to a polluting industry. We found out today from the report on water discharges that in the mining industry—some of them are the biggest culprits. They need the resources and the help to make sure that at the end of the day the taxpayers are not picking up the tab. Instead, they just get a subsidy with nothing in place—in fact a cut to the Ministry of the Environment—to make sure there's a fund available and it's not the taxpayers picking up the tab. We're talking here about \$300 million to \$3 billion. It's not going to hurt me, but it's going to hurt my daughter when the day comes that it has to be cleaned up, and it's going to hurt her little boy. This is an environmental deficit, a devastating deficit that we're leaving to our kids and our grandkids. That is the reality.

You gave money to car owners. Well, fine, but not one penny for public transportation. I believe we're the only jurisdiction in North America where the provincial level of government does not contribute some money to the operating budget of a large urban public transportation system. It is absolutely essential to try to avoid urban sprawl and to cut down on the use of private automobiles. We're coming to smog season again. We know, it's a given fact—the Minister of the Environment said it

himself—that at least 1,800 people a year die in Ontario as a result of smog. Not one red cent for public transportation, not one red cent to try to contribute to smog and air pollution reduction; just another cut to the Ministry of the Environment.

1710

Then we got a very interesting report today from the Sierra Legal Defence Fund, which we asked the minister about today. The minister blamed it on Mother Nature, which is just—I was so incredulous, but I'm glad he said that, because it put this government's commitment to environmental protection in perspective. A very serious report was released today. The only reason they were able to release it is that they had to go to the Information and Privacy Commissioner and the ministry had to be ordered to release this report. Under our government, the NDP, every year the state-of-the-environment report came out to the public. It was transparent. All the polluters were listed, prosecutions and fines; all of it was listed for the public to see.

Mr Hastings: By whom? The Sierra Club?

Ms Churley: No, by the government of Ontario, because it is the government of Ontario's duty to be transparent and let people know what's happening to the state of the environment in this province. This government stopped releasing that report. I wonder why? Well, we now know why. It's because they're trying to keep the state of the environment, their pitiful record on the environment, secret.

Let me tell you a little bit about this report that came out today. Even Tories should be concerned about this, because they breathe the air and they drink the water and their kids drink the water too. Let's see what the report's key findings are. We've got triple the number of violations of waste water discharge limits from 1997 to 1998, from 2,200 to over 3,300. There's an increase in the number of violating facilities from 154 in 1997 to 167 in 1998. Two thirds of facilities are repeat offenders. So much for your law-and-order agenda. Two thirds of these are repeat offenders, having violated pollution laws at least one other time between 1992 and 1998. Almost one half of the facilities on the 1997 list continued to violate water pollution rules in 1998. Sixteen facilities violated waste water pollution laws for five years running, and only one—this is the key number here.

The Minister of the Environment was grilled by the press outside today on this. It took him a long time to get to the point. In fact, he wouldn't say. He wouldn't admit the one prosecution, and the press was going after him and after him. Finally the press had to say, "Isn't it true, Minister, that there has been only one prosecution?" He said, "Yes, well, other things have happened, and nature again." I don't know if he brought that up, but he tried to soften the blow. The reality is that it's in black and white that there has been just one prosecution.

We know that under this government's watch, with yet again another cut to the Ministry of the Environment, our air is going to get worse, our water is getting dirtier—

Mr Hastings: Don't be such a pessimist.

Ms Churley: He's asking me not to be such a pessimist. I wish I didn't have to be, because I want to remind the member that I got into politics because of my interest in environmental protection. Before I ran for politics, I was involved in cleaning up my community. I had children in my community—and they should listen to this—who were poisoned by lead. We have a lead plant in the riding. Remember that, Mr Bradley, who was the Minister of the Environment for the Liberals. There were children being poisoned by lead for years and years—learning disabilities, terrible health problems. It took many years for any government to listen. Due to David Reville, who was a member here then, and a really active, persistent community group and the community health centre, we finally got the government to come into the community and conduct lead tests and blood tests. The impact on some of those children was devastating. It was in a low-income area of south Riverdale.

I got involved in the protection of the environment and the health of people in my riding before I ever ran for politics. I've personally seen the devastation that pollution can cause to our health.

Interjections.

Ms Churley: So when they jeer and laugh at me, I want to just say to them that pollution hits us all, not just New Democrats, not just Liberals, but it affects Tories too.

I want to speak for a few minutes about a couple of other issues. We had today the minister responsible for children stand up and supposedly have a discussion about Child Find Week here in Ontario. She spent, however, a good deal of her time talking about—very slowly, I should add—bragging about what they've done for children. I said earlier today, and I'll say it again, that the information the minister gave us is not correct. I corrected the record then and I'm going to do a bit of it again now, because they like to mouth the words about how important our children are to our future and how important it is to protect them.

They keep talking about this \$30 million that they're putting into early years programming as a result of the Fraser Mustard report. They announced that \$30 million last year; haven't spent it yet. They announced this \$30 million again in this budget; haven't spent it yet. In fact, they're going to spend it next year. I believe—yes, they're waiting until the early years task group reports back in May of next year. So this \$30 million keeps being announced and reannounced to make it appear that they're doing something about Early Years, and they're not.

Despite the government's claim to the contrary, it also isn't spending a single new penny on child care in this budget. Once again, let me correct the record on what's really going on here. It's packaging the Ontario child care supplement for working families as child care, but it's got nothing to do with child care. The supplement will give single parents about \$210 as a working supplement. That's not going to buy a lot of daycare. The child care supplement is mostly funded by federal

money. They don't like to admit that, but that is the reality. This Tory government is clawing back from the poorest people in our communities, from social assistance recipients, to go to poor working families. Poor working families should be supported and helped, but to claw back that money that will help the welfare mom who was cut by 23% to feed and house her child, to take it away from them, is nothing short of disgusting. It's unbelievable. This increase is needed, but it's only going to go towards single parents and it is not an adequate amount to help parents with child care.

Interjections.

Ms Churley: Boy, they're going again. They don't like the realities being pointed out there. These are the realities. These are the facts. If we can find \$4 billion to \$5 billion for tax cuts for the wealthy in this province and for corporations, why can't we find the \$4 billion that's required to support the children who are the future of our province?

I want to talk about the disabled in our communities. Five years ago or so, the Premier of this province, before he became Premier, promised the people of Ontario, those with disabilities, that he would bring in an Ontarians with Disabilities Act. He promised that before the last election—before the previous election. So we went through four years with Mr Harris at the helm of his government and they—well, they brought in a bogus Ontarians with Disabilities Act. It was such an embarrassment, they had to withdraw it.

Interjection.

Ms Churley: The ex-Minister of Community and Social Services wants to talk about the Ontario disability support plan. I'd love to talk about that. I just held a press conference a couple of weeks ago—didn't get a lot of press, but this is an opportunity, and it should have gotten a lot of press because we're talking about vulnerable people here who deserve the support of this government. Yes, they brought in the ODSP and, yes, our party supported it, but we warned the government at that time that we didn't want to see it being used as a way to cut funds from vulnerable people. We put in a warning, and what have they done? That's exactly what they're doing and that's what this press conference was about.

She wants to talk about the ODSP. I'll talk about the ODSP. I held a press conference with people—there are hundreds and thousands of people who have mental health problems who deserve and should get ODSP. Guess what's happening. The doctors have to fill in these long, complicated forms which the government keeps saying they're going to fix up to take away all the work it requires for the doctors to do this. They still haven't fixed these forms, but the doctors diligently assess their patients, fill in the form and recommend whether this person needs ODSP or not. Guess what the government's doing to save money. They are taking thousands of these people and they're scratching out the recommendation from the doctor who's giving the medical care and saying, "No, this person doesn't need ODSP." By now, guess what's happening. There's a waiting list of eight

months to a year for those people to appeal. What are they going to do—

Hon Janet Ecker (Minister of Education): It was two years under your government.

1720

Ms Churley: There was no ODSP under our government. You created that and then you messed it up, just like you did with the family support plan. That's what they did. The evidence is there. There are thousands of people waiting in line for up to a year for an appeal, and most of those people are going to get it. What are they going to do in the meantime?

A man who came to my press conference—and I did this press conference to expose what this government is doing under ODSP—has, I think, bone cancer. I can't quite remember; it might be leukemia. He's had it for a number of years. He's on very heavy drugs. He's been very depressed. He's having a very, very hard time coping. He is alone in the world, and his doctor—and I think everybody here would agree if you know his history—said that, yes, he needed ODSP. He needed the money. Some clerk, I guess, in the minister's office took a look and said: "No, he doesn't need it. Scratch it out." Now he's appealing. He can't work. He's supposed to be under workfare now, on the pitiful amount that the government gives to welfare recipients.

That's just one example. That's what's really happening out there with ODSP. So the minister wanted to talk about ODSP? Fine. Now it's on the record what's really happening. It was a good idea, but as we feared, the government decided at the end of the day to use it to save money off the backs of the most vulnerable people in our society to give tax cuts to the wealthy and corporations in this province. That's what they did.

Now back to the act that the government promised five years ago.

Hon Mr Stockwell: No, what you promised.

Ms Churley: The Minister of Labour wants to talk about what we promised. I'm going to tell you what we did. Let's get this on the record again.

Our government brought in the Employment Equity Act. Remember the Employment Equity Act? That's what people with disabilities were concentrating on at the time.

Hon Mr Stockwell: The quota act.

Ms Churley: They were not talking about an Ontarians with Disabilities Act at the time. If you speak to people with disabilities, they will tell you that their number one concern is employment. The Minister of Labour is talking about the quota law. They used that to their advantage in the election. I remember. It wasn't a quota law. If you don't have an even, level playing field, people with disabilities and others cannot even get their foot in the door. This is what the Employment Equity Act was all about—to give those people a chance to get their foot in the door. There are private sector companies out there now who decided to go ahead with the plan anyway because they thought it was a good idea and it was working for them—

Interjection.

Ms Churley: They are out there, Minister of Labour. They're out there still applying the features of the Employment Equity Act. Don't you think it's a good idea to create a level playing field so that people with disabilities, people of colour and others who can't even get their foot in the door at least have a level playing field and can go for that interview, can prove that they can do the job as well as anybody else? That's what our government concentrated on. That's what we brought in. This government went out there and scared the heck out of everybody talking about quota laws when that's not what it was at all. It was about creating a level playing field.

They threw that out and said, "Oh, but don't worry, because we're going to bring in an Ontarians with Disabilities Act." That's what they said. So people from the disability community said, "OK." They didn't like the fact it was thrown out, but they looked forward to this Ontarians with Disabilities Act because it promised a lot of things. The government refused to do it. Then they brought in a pitiful act that was a joke, and the people from the disability community said it was like a kick in the stomach, after the promise that was made and the work they put into it, to have a bill like that come forward as a serious attempt to keep a promise, so they had to withdraw it.

Now the latest minister is at it again. My understanding is she is out there consulting in secret and not consulting with the people she should be consulting with. Is there going to be another joke of a disabilities bill brought forward? We hope not.

Hon Mr Stockwell: This is pitiful.

Ms Churley: This is not pitiful. What you are doing to vulnerable people in this province to give tax cuts to the wealthy is what is pitiful. What I'm doing is putting on the record that the government is giving out big tax cuts on the backs of vulnerable people in this province.

The Ontarians with Disabilities Act is going to become very critical because without the Employment Equity Act—

Interjections.

Ms Churley: Boy, they're getting excited over there again, Mr Speaker. It's because they don't like to hear the truth. They get up on their hind legs and make all these pronouncements about the wonderful things they're doing to the most wealthy in our society. They don't want the opposition to point out the hole in their plan.

I would urge the government today, and we're disappointed that we didn't hear more about it in the budget, to bring forward this act.

What else do we have promises on here? We have promises on infrastructure funding. That's an interesting one, because the amount of money they're coming forward with is supposed to be spent clear across the province. They've paid lip service to the Fung report, which is very important to me and the people in my riding—the redevelopment of the waterfront in Toronto. I'm in favour of the Fung report. I have some problems

with some aspects of it, but this government won't even commit to any of the funding or moving forward. I'm not here to debate that right now, but I'm hoping that we will have a debate and discussion in this House about funding for Toronto's waterfront and who's going to pay for it, where the bucks are going to come from to do it. The commitment to the development of the waterfront is just lip service. Municipalities across the province are going to be fighting over that money. There isn't enough to go around and when you have huge projects like the development of the waterfront in Toronto, there needs to be more of a clear commitment about where the money's going to come from. Who's going to pay for it? What aspects of the recommendations does the government support? What don't they support? Where's the money going to come from? Are they going to help out or not? None of it's there. We had Mel Lastman, the mayor of Toronto, stand up once again and, frankly, scream at Mr Harris for letting down the city of Toronto once again. It's so true. I agree with Mel on some things, I don't agree with Mel on other things, but I certainly agree with Mel on his attack on Mike Harris and this government and the lack of funding for some of the critical areas in this city.

Let's talk about one of them: housing. We have homeless people in the city of Toronto. We have homeless people, of course, in other large urban centres as well. In fact, we hear there are homeless people everywhere now. It's growing under this government. Child poverty is getting worse in the province of Ontario. At the richest time in a long time, we have all these revenues coming in and child poverty is getting worse. There are more children in homeless shelters. There are more children at food banks. There are so many families who are one paycheque away from being homeless. The waiting list is so long now, there are thousands and thousands of people just in Toronto itself who are desperately waiting for affordable housing. Because the government took away meaningful rent control, the average rent in Toronto has skyrocketed so more and more people are nervous. They're having to choose between providing their children with food and paying the rent. Some of the parents are not eating at all. They have to make those kinds of choices.

What I'm describing here is the ugly side of these large tax cuts, the destructive side that the government doesn't want to hear about. Somebody's got to be talking about these things. Somebody's got to be pointing out time and time again and reminding the government that there are people being hurt as a result of their policies. I think the right thing to do is to remind the government that there are more children living in poverty and that there are more homeless people in the city of Toronto and throughout the province and that is fundamentally wrong, especially when we're rolling in money right now because of the US economy. This is not going to last forever.

The government says they don't want to provide housing, that the private sector will do it. We haven't

seen anything yet. We told them at the time that the private sector wouldn't supply affordable housing. There's nothing in it for them. They're going to develop condos. They're going to develop housing that's going to earn them back a good buck. The government knows this, yet they still continue to not invest in affordable housing.

1730

Now, they point out all the time, "That was a boondoggle and all this money was wasted." That isn't true, isn't a fact, but they like to point that out, and they take a few examples of areas where they believe money was misused and misspent. They don't talk about the thousands and thousands of units that were built in this province at cost recovery for a very good price. People are living in this housing now. They don't talk about that.

Mr George Smitherman (Toronto Centre-Rosedale): In communities.

Ms Churley: Yes, in our communities.

What they talk about is the boondoggle and make it sound like every single legitimate organization in our communities that is coming up with these plans and ideas to build affordable housing and building that housing—real people moving into that housing where they can live with dignity and bring their children up in a safe and secure environment. This government said no to that.

If they think that in the past—I don't agree with them; they only used a few examples—it wasn't done properly, then they can do it their way. There's no reason to stop building and supplying affordable housing. May I add that the federal government has backed out of providing social housing as well—the federal Liberals and the Ontario Tories. So there's nobody building affordable housing any more in the city of Toronto or across the province. That is fundamentally wrong.

I can't see a government, when they're rolling in money, when they've got all these funds coming in, all these revenues coming in, giving these billions of dollars to the wealthy and to corporations. Talk about corporate welfare. That phrase has got to come back again. That's what this government is doing. They get on their feet and they talk about all the people off welfare now and brag about that. They don't talk about the high poverty level and the homeless, people going without food, but they're giving away billions of dollars to wealthy people and corporations.

Let's talk about what taxes are, because we talk about taxpayers all the time now; we don't talk about citizens. We don't talk about why we pay taxes. We pay taxes for the collective good. That is why we pay them. We don't pay taxes to give billions of dollars away to wealthy people and to profitable corporations. We pay it for the public good. You can't take your \$200, if you're one of those who are going to get that \$200 in the mail—and I guess that depends on whether or not the federal government is going to pay for the mail-out, because that wasn't in the budget.

Mr Bradley: They'll send their cheque out too.

Ms Churley: Yes, they'll send their cheque out too, as the member for St Catharines says, because it's the populist thing to do.

But there are those who understand that they're not going to be able to take their \$200 and go out and buy a hospital, or they're not going to be able to take their \$200 and set up a daycare and hire all the workers. They're not going to be able to take their \$200 and clean up polluted water. They're not going to be able to take their \$200 and clean up our air. That's why we collectively pay taxes: for the benefit of all of us. That's what it's all about. This kind of politics I think appeals to the worst in us. Of course when some people hear they're going to get \$200 in the mail—"That's an extra \$200 in my pocket"—it appeals to the greed in us. I think we all have some of that; yes, even New Democrats. You hear you're going to get a tax cut, you're going to get a \$200 cheque in the mail and, yes, it appeals to our greed.

I believe that the role of government is to appeal to the better in us, to try to bring people together and communities together and talk about how we can use our tax dollars to the benefit of the whole community, not just for a few. I believe that we as citizens, if we have a government in place that appeals to the good in us, do want to make sure that the money is provided for health care, that the money is provided for education, that the money is provided for the environment, for the vulnerable in our society, for seniors and the disabled. If we don't do that, we get into a situation we're in now where pockets of our community are suffering, and there are some in my riding of Broadview-Greenwood. I see it on a daily basis and I think it's fundamentally and morally wrong.

When the government members say, "The NDP think they have the corner on compassion," I don't think that. I think that all of us are capable of being compassionate and being fair. It just takes leadership. It takes leadership to bring out the best in all of us, including the backbenchers and the cabinet members who sit in this government. But we're not getting that kind of leadership. We're getting the leadership that appeals to the worst in us.

The irony of it is, for low- and middle-income people—we get that \$200 or less, whatever it is, and all the tax rebates that have mainly benefited the rich, but middle- and some low-income people have received a few dollars—the irony is that for most people who get that, lower- and middle-income people, it goes in one pocket and it comes out the other pocket because of higher tuition fees, because of tons and tons of new user fees that don't get talked about. The member for St Catharines may bring it up when he speaks later. I don't know. I believe he's going to finish off the debate.

User fees, tuition fees: Now we hear that the government has made a deal with the doctors where there's going to be more delisting, so people are going to have to pay more for services they need. That's the kind of thing that is going on. It's all a sham, it's a shell game, except for the very wealthy who can take their money

and invest it and buy their Porsche or go on holidays. When poor people and middle-income people get that money, they are going to use more of it up in user fees than they are actually going to put in their pockets. That's the shell game that is being played here. But the government knows it's popular and that's why they're gloating over this budget, because they appeal to the worst in us.

I would like to see us come back, all members in this House, including Tories, those who aren't involved in the United Alternative or Reform Party or whatever it's called now, to being truly compassionate and stop referring to the citizens of this province all the time as taxpayers. We are bigger than that. We are better than that. We are more than taxpayers. We are there to pay our taxes to take care of the most vulnerable in our society, to keep our environment clean, to make sure we have adequate health care, adequate education. That is really where I would like to see the direction of this debate going.

The debate isn't over. When the Tory members stand up and say that the debate is over, they'd certainly like to think that, but it isn't over. Not only is there going to be another recession someday, which they're going to have to cope with, but in the meantime they're not talking about the people who have been cut and slashed and hurt by the numerous cuts to numerous programs across the board.

The government likes to brag about all the money it has put into health care, but out of the tax cuts only one cent for every dollar went back into health care. When you look through all the charts and figures that the government supplied—

Hon Mr Stockwell: Where's your source? It's phony.

Ms Churley: No, they're being phony about this. They're being phony because it actually works out to about \$49 million in total new expenditures on health care.

There are a lot of people these days talking about health determinants: What costs our health care the most? What makes people sick? There's a fellow in my riding, an associate professor named Dennis Raphael, who does incredible research on the difficulties, the gap between the rich and the poor, that if people don't have adequate housing and enough nutritional food to eat and the environment is unclean, all of those are health determinants. Those are the things that actually make us healthy. All the areas that are highlighted in a report that came out on I think April 8, 2000—experts in the field talked about determinants of health. The government tried to hide that report. Remember that? But my colleague Frances Lankin, our critic for health and a former health minister, got hold of that report and released it. The report was very clear that the government lost its way on health reform in this province. They have now caved in to the doctors, and they have chosen to cut environmental enforcement, scrap affordable housing, slash social assistance and get rid of meaningful rent control. So instead of focusing on illness prevention and

making our society as a whole better off in health care terms, we're actually making things worse. Those are important things to talk about when we have these discussions about the budget and where the money is going, because the reality is that the gap between the rich and poor is getting bigger and bigger, even in these great economic times.

I am glad I had an opportunity to put these thoughts on the record today.

1740

Mr Bradley: Thank you for the privilege of speaking for eight minutes on this thick piece of legislation. In the good old days, of course, we would be able to have a full and fulsome debate on matters of this kind. Today, routinely the government brings in motions which close off debate in the Legislature, and nobody seems to care except a few historians out there. I hope that Michael Bliss cares. I was reading one of his articles today about the future of the Conservative Party, and I do see him from time to time. But as an academic and a person close to the Harris government, I hope he would be advising them on bringing in routine motions to close debate on important issues of the day.

The budget, of course, contained something that was rather devastating, and we saw the results of it today. There was a very embarrassing press conference held by the Sierra Legal Defence Fund, which exposed what the government refused to reveal itself, because it was trying to keep this information private and quiet, and that is that there are all kinds of violators of the regulations and legislation of this province who are not being prosecuted and who are getting away free. That's because this government has a philosophy which says you must play footsy with polluters. You must cozy up to the same polluters who show up at Progressive Conservative fundraisers and pay a huge amount of money to speak to the minister and to other luminaries, limited as they may be, within the Harris regime. As a result, what we see is a wink and a nod from the polluters every time an environmental problem arises. I can understand why the government forced the Sierra Legal Defence Fund to use the freedom of information act to ferret out information that should be provided routinely to the public.

What we have to remember is that the information released this morning is only on the self-monitoring these polluters are doing. It is not on the exceptions, it is not on the spills, it is not on the accidents, it is not on the exceedences which take place. The ministry has been devastated by cuts. I heard this morning that now up to 45% of the operating budget of the Ministry of the Environment has been slashed while the government is mailing out cheques of \$200 to people in the province to curry favour with the electorate.

In addition to that, they have calculated that it's now 40% of the staff of the Ministry of the Environment. But remember that the Ministry of Natural Resources also has considerable influence on the environment and considerable responsibility, and we see these cuts. This is where we could have seen an investment in the future.

Rather than blowing millions of dollars on the self-serving advertising this government does, again apparently without criticism from at least my local chapter of citizens for responsible government and the Taxpayers Coalition, which used to be headed up by my good friend the former member for Lincoln, Frank Sheehan—no doubt Frank is having a meeting tonight to denounce both the huge expenditures on public polling, which this government keeps secret after it does the polling, and the huge amounts being spent on government advertising. I know that the taxpayers coalition, the citizens for responsible government and the National Citizens' Coalition are not simply fronts for the Conservative Party at the provincial level and for the Reform-Alliance party, whatever it is now called, at the federal level. I know that is not true, so they'll be ferreting out that kind of information.

We could have had a good investment. At one time former Conservative Premier Bill Davis received an award as the transportation person of the year. We could have given the same award to Mike Harris if he had invested even a penny in public transportation. That's been eliminated: no money going into public transportation now from this government. We're one of the few jurisdictions I can think of, perhaps the only jurisdiction in North America, where the provincial government does not invest in public transit. Everyone benefits from it, not just those who utilize public transit. I've advocated, of course, GO Transit being extended to St Catharines and to Niagara Falls. I notice the St Catharines Standard did not publish that when I said it in the Legislature, but I was glad to see that when one of the regional councillors opined that that should be the case, there was a story on it.

I should say that that is happening at this time, just as I should mention another item that did not get into the pages of the St Catharine Standard, and that is the Wine Content Act and the fact that farmers, the grape growers in our part of the province, and I think throughout the province, are being adversely impacted by the present provisions of the Wine Content Act which allow our wineries in Ontario to sell 75% foreign wine as part of their wine and call it Canadian wine. They're allowed to stock that on the shelves of the LCBO. I call upon the minister to change that, to make it more favourable—now that there's been that adjustment period, which I concede was needed—for our farmers, many of whom, in significant numbers, voted for the Conservative Party in the last election. I hope those who are calling my office now who did vote for the Conservative Party in the last election are now calling Conservative members of Parliament for the Niagara region as well to express their concern with the doing in of farmers in our area.

I know there's money in this budget for brand new airplanes. There are two brand new luxury aeroplanes, King aircraft, for the comfort and convenience of the Premier and members of the cabinet and a few backbenchers who make the right speeches in the House or who are very kind to the Premier and cabinet

ministers. That got virtually no coverage at all. I remember when Bill Davis tried to buy a new plane in the middle of a recession. In that case it was a Challenger, nicely appointed inside and, of course, a jet, which cost some \$16 million. They finally went through with that. In this case it was announced on a Thursday afternoon before the long weekend. I know the National Post, which is very interested in governments being very frugal, had a front-page story on it. It must have been killed by something because I didn't see that story. Somebody must have killed that story, because I'm sure there was a story written about the two new luxury aircraft for the comfort and convenience of Premier Harris and members of the cabinet that were purchased and announced late on a Thursday afternoon before the long Easter weekend.

I notice as well that we will be requiring for our cultural clubs a change in legislation. Actually, all this is required in the issuance of a memorandum. Our cultural clubs such as the Canadian Polish Society, the Ukrainian Black Sea Hall in St Catharines, Club Roma, the Slovak Hall, Club Heidelberg and many others throughout the province are adversely impacted by a one-sentence change in categorization. They are now categorized as commercial instead of residential. I call upon the government to reverse that, not to force municipalities to go through a song and dance, but for the government to do so.

I will be voting against this time allocation motion, which once again chokes off debate.

The Acting Speaker: This completes the time allocated for debate.

Mr Klees has moved government notice of motion number 48. Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. It will be a 10-minute bell.

The division bells rang from 1750 to 1800.

The Acting Speaker: All those in favour of the motion will rise one at a time.

Ayes

Arnott, Ted	Hardeman, Ernie	Ouellette, Jerry J.
Baird, John R.	Hastings, John	Palladini, Al
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Jackson, Cameron	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Spina, Joseph
Clark, Brad	Johnson, Bert	Sterling, Norman W.
Clement, Tony	Kells, Morley	Stewart, R. Gary
Coburn, Brian	Klees, Frank	Stockwell, Chris
DeFaria, Carl	Marland, Margaret	Tascona, Joseph N.
Dunlop, Garfield	Martiniuk, Gerry	Tilson, David
Ecker, Janet	Maves, Bart	Tsubouchi, David H.
Elliott, Brenda	Mazzilli, Frank	Turnbull, David
Flaherty, Jim	Munro, Julia	Wettlaufer, Wayne
Galt, Doug	Mushinski, Marilyn	Wilson, Jim
Gilchrist, Steve	Newman, Dan	Wood, Bob
Gill, Raminder	O'Toole, John	Young, David
Guzzo, Garry J.		

The Acting Speaker: All those opposed to the motion will rise one at a time.

Nays

Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Churley, Marilyn
Conway, Sean G.

Crozier, Bruce
Dombrowsky, Leona
Gerretsen, John
Gravelle, Michael
Hoy, Pat
Kennedy, Gerard
Kormos, Peter

Lalonde, Jean-Marc
Lankin, Frances
Marchese, Rosario
Parsons, Ernie
Patten, Richard
Peters, Steve
Sergio, Mario

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 21.

The Acting Speaker: I declare the motion carried.

It being after 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1802.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / -Est	Agostino, Dominic (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Lankin, Frances (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Leona (L)
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Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Broadview-Greenwood	Churley, Marilyn (ND)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Bruce-Grey	Murdoch, Bill (PC)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Tourism / ministre du Tourisme	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Cambridge	Martiniuk, Gerry (PC)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Carleton-Gloucester	Coburn, Brian (PC)	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Chatham-Kent Essex	Hoy, Pat (L)	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
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Don Valley East / -Est	Caplan, David (L)	London-Fanshawe	Mazzilli, Frank (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Minister of Transportation / ministre des Transports	Markham	Tsubouchi, Hon / L'hon David H. (PC) Solicitor General / solliciteur général
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Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines		
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Brenda (PC)		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion		
Halton	Chudleigh, Ted (PC)		

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Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Minister of the Environment / ministre de l'Environnement
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio / ministre sans portefeuille	St Paul's	Bryant, Michael (L)
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas- Charlottenburgh	Cleary, John C. (L)
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Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thornhill	Molinari, Tina R. (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
Oxford	Hardeman, Hon / L'hon Ernie (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Timiskaming-Cochrane	Ramsay, David (L)
Parkdale-High Park	Kennedy, Gerard (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	Palladini, Hon / L'hon Al (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education / ministre de l'Éducation	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Wentworth-Burlington	Vacant
Renfrew-Nipissing- Pembroke	Conway, Sean G. (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York Sud Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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No. 58B

N° 58B

ISSN 1180-2987

**Legislative Assembly
of Ontario**
First Session, 37th Parliament

**Assemblée législative
de l'Ontario**
Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 15 May 2000

Lundi 15 mai 2000



Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 mai 2000

The House met at 1845.

ORDERS OF THE DAY

YOUNG OFFENDERS

Hon Frank Klees (Minister without Portfolio): I move that the Legislative Assembly of the province of Ontario,

(a) condemns the weakness of the current federal Young Offenders Act, and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions;

(b) rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens, but merely repackaged the flawed, weak Young Offenders Act under a new name;

(c) further rejects any proposed amendments to Bill C-3 that would weaken and soften legislation that is already inadequate;

(d) particularly condemns the federal government's attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders;

(e) believes the 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and

(f) believes that young people convicted of violent, adult-type crimes should be subject to adult-length sentences.

My colleagues who will be speaking to this bill this evening are the member for Cambridge, the member for Northumberland, the member from Ottawa West-Nepean and the member from Scarborough Centre.

Mr Gerry Martiniuk (Cambridge): Premier Harris established the Crime Control Commission in 1997 with a clear goal: to listen to Ontarians and find new ways to improve public safety.

So far the response has been overwhelming. The commission has participated in over 75 public forums and events across Ontario. I can truly say that the people of this province have opened their hearts to us. People have told us in town hall meetings from Chatham to Ottawa to Sault Ste Marie that they feel violated by the threat of crime. They have shared stories and personal experiences. They have let us into their lives to tell us of their fears, hopes and frustrations. People have shared their feelings of powerlessness and their frustration.

Many do not see a theft or a break-in as a minor irritant or just a call to their insurance agent. For many people, it alters their lives forever. People have told us they are sick and tired of being ignored, being powerless in the justice system. They believe that for too long the criminal has been treated far too leniently, too softly, by the courts. They believe that the Young Offenders Act is a slap on the wrist for sometimes very violent criminals. They want it changed, and they want it changed now.

People have told us they do not feel safe in their homes, their schools and their neighbourhoods. They have told us, time and time again, that they don't want to feel intimidated going shopping or walking in the park. We hear words such as "an invasion of privacy" and "personal violation" from victims. People have gotten tired of the criminal being treated like the victim rather than the other way around. They don't want the criminal to make excuses of social misfortune; they want tougher sentences, innovative approaches and harsher sentences.

Many of us have adapted to the higher crime rate in numerous ways. It may be walking up the stairs in your apartment building when you hear a door opening, or a woman referring to herself as "Ms" rather than "Miss" to avoid being identified as living alone. Did your parents always lock the doors to the home, or did they always look in the back seat of your automobile before entering?

Our fears and anxieties are understandable. We are living with double the crime rates than our forefathers and our mothers and fathers, and violent crime among our youth, especially girls, has increased dramatically.

The public's concern is justified. Cold, hard statistics tell us that violent youth crime increased 77% between 1988 and 1998. The public doesn't need those numbers to see a major problem, however. People see crime affecting the way we work, live and attacking our quality of life.

The people of Ontario feel a real sense of urgency about this and our government shares it. For example, two years ago, the Ontario Crime Control Commission issued the Report on Youth Crime. This report has led to real changes at the provincial level. The Safe Schools Act is being implemented. We passed the Safe Streets Act and the Community Safety Act and we've introduced the Parental Responsibility Act.

Budget 2000 committed \$3 million to increase the number of youth justice committee pilot projects from six to 18. These are committees in which community members meet with young offenders charged with minor crimes. These committees are tribunals of respected

members of the community who determine appropriate punishment and method of restitution for victims of first time, non-violent young offenders who admit their guilt. We are expanding this pilot project because it provides tough immediate responses to offences and is successful in reducing the rate of reoffending.

Unfortunately, while we share the public's urgency about youth crime, the federal government does not. Not only that, they don't even want to hear about it. The federal standing committee on justice and human rights is currently considering the Youth Criminal Justice Act, the so-called replacement to the Young Offenders Act. The committee refused to hear from me and my colleagues the Solicitor General and the Minister of Correctional Services. The committee also refused to hear from my co-chair on the Ontario Crime Control Commission, Frank Mazzilli, and myself.

In denying us a voice, they denied the people of Ontario a voice. They did not want to hear why we think the proposed act is weak legislation and how it could be improved. Instead, I understand that a number of amendments to the Youth Criminal Justice Act are being proposed in response to Quebec's concerns. Don't expect these proposed changes to improve the act. As hard as it is to believe, they could soften the language of the legislation and make it even weaker.

As it now reads, the federal bill will not increase jail sentences; will not automatically try 16- and 17-year-olds as adults when they have committed serious crimes; will not require mandatory time for youths convicted of offences involving weapons; will not lower the minimum age for prosecution to 10; will not allow authorities to automatically publicize the names of violent and/or serious young offenders and all repeat young offenders who have been sentenced under the proposed act; will not change the rules of admissibility of statements so that they are the same for young offenders as they are for adult offenders; and will not guarantee that youths convicted of serious crimes, such as murder, will serve adult sentences.

The crown will still have the onus in most cases to have serious violent offenders sentenced as adults.

The proposed Youth Criminal Justice Act does not make young criminals truly accountable for their crimes. Adult crimes deserve adult time. I say this because I know that 16- and 17-year-olds are quite capable of committing adult crimes and also are quite capable of knowing the consequences of their actions. However, under the proposed act, as under the current law, they will know that they can be convicted of a crime and still not feel the full legal consequences that an adult would. The result is a climate in which there is a constant potential for violence with very little deterrence.

Just look at our schools. Recently, we have seen threatening graffiti in a high school, stabbings in another high school, while several other schools have seen fights between gangs, threats on teachers and so on. The effects of these acts ripple outwards, destroying the environment for learning and working. They make the parents fearful

for the safety of their children. While some of these incidents can be attributed to youth who are disturbed and deserve medical and psychological help, many of the incidents are solely criminal acts. Why are we so adamant about the lack of consequences under the proposed Youth Criminal Justice Act? When youths are charged with an offence, it gives society a chance to deal with them effectively. It gives us a chance to intervene in their lives before the patterns of antisocial behaviour are further ingrained. It gives us the opportunity as a society to send the right signals to other young people that their actions have consequences and they must take responsibility for their own lives.

Our government established strict discipline facilities, the so-called boot camps, which are turning lives around and putting serious young offenders back on track. These young people don't get their wrists slapped; they get structure in their lives. For some, this may be the first time they've lived in a disciplined environment where they eat regular meals, exercise and can focus on their school work. Our government has set up these facilities because we know the only way we can end the threat of violent youth crime is to raise a generation of young people who have respect for themselves, their families, their communities and for the laws that govern us all.

I don't kid myself into believing any single piece of legislation can do all that. Setting children on the right path is a job for everyone. Even adults who are not parents can help through leading by example. But the law sets the rules that we live by; it reminds us that in order for a society to function and for people to thrive we must respect the law.

Unfortunately, a badly written law demands no respect. Even children instinctively know that. Young people do not give the current Young Offenders Act enough respect. I don't see how anyone will respect the proposed Youth Criminal Justice Act. Obviously, Ottawa just does not get it. Fortunately, the proposed act hasn't passed yet. While there is still a chance that Ottawa will listen, Ontario must continue to speak up. That's why I urge the members to support the resolution before us:

That the Legislative Assembly of the province of Ontario:

(a) condemns the weakness of the current federal Young Offenders Act, and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions;

(b) rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens, but merely repackage the flawed, weak Young Offenders Act under a new name;

(c) further rejects any proposed amendments to Bill C-3 that would weaken and soften legislation that is already inadequate;

(d) particularly condemns the federal government's attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders;

(e) believes the 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and

(f) believes that young people convicted of violent, adult-type crimes should be subject to adult-length sentences.

I urge all members to speak on behalf of their constituents in this province by supporting this resolution. Let Ottawa hear that the people of Ontario want strong and safe communities.

1900

Mr Doug Galt (Northumberland): I'm pleased to be able to speak on behalf of this resolution. Basically, we're talking about accountability of our young people, accountability of our families but, more particularly, accountability of the federal government and our justice system. Actually, when I say I'm pleased to speak on it, I'm really not, because it shouldn't be necessary to have this resolution before the House. If the federal government, when it comes to crime, particularly youth crime, would just pay attention to the people of Canada, particularly the people of Ontario, this would not be going on.

What's going on here is really a simple name change that they're going through. I chatted with our local member, the Honourable Christine Stewart, about this particular bill, and by the time she got finished talking about how wonderful it was, I almost believed her until I started looking further into it and checking on its contents. I now realize there's really not much here other than a name change.

It's a very serious topic, one which we should take very seriously. It's unfortunate that the federal Liberal government is not taking it seriously. They refuse to listen to the people, particularly of Ontario. I can't really speak for outside of Ontario, but from what I'm hearing in my community there is no question people want stronger penalties. They want youth, particularly the 16- and 17-year-olds, tried in adult courts with adult penalties for serious crimes, crimes with weapons.

There is no argument about the increase in crime, some 77% increase in 1998 over 1988. That comes from the Canadian Centre for Justice Statistics. That is the federal report, so obviously it is there and we should pay attention to it. Also, some 43% of our young people who commit serious crimes recommit. That's a pretty big figure. You get the feeling that maybe what's been going on while they've been in a corrections facility has been a training centre for them so they can come out and try something bigger and better, and it really didn't work for them.

There is just no question you can conclude that the Young Offenders Act is indeed a disgrace, and it is not protecting Canadians. It mentions the name change, and not a very significant name change either. That's about as far as we're going. So we're really calling on the federal government to make some drastic changes to the old Young Offenders Act, or what's still in place.

I think it's interesting to note all of the offers that have been made from Ontario to go and present to the com-

mittee, and they've rejected them all. The Solicitor General has offered to go down from Ontario, the Attorney General, the Minister of Correctional Services. You would think they'd be interested in hearing from one of these justice ministers, but no, they don't seem to be. The Ontario crime commission has also offered to go and speak, and again they've been rejected. We hear the opposition talking about arrogance, but this to me is arrogance, when they refuse to listen to people who are very significant in the whole area of crime, the whole area of justice. They're not interested in hearing what the people of Ontario have to say. All I can conclude from that is that they are soft on crime.

As we move along, as we change this act, the old Young Offenders Act, to the Youth Criminal Justice Act, it's a just a change in name and not very much else. As mentioned earlier, as crime increases in Ontario and across Canada, the old Young Offenders Act just isn't working. Young people know it's not working because they know the consequences and they're prepared to take a chance. As a matter of fact, the older criminals, in their early twenties, are the ones who send the 16- and 17-year-olds out, because: "Oh, well, you're not going to get much of a penalty. You may get a slap on the wrist if you get caught, and on you'll go." They just see this as a joke.

Let me give you an example, one that bothered me quite a bit. I believe it was in June 1999. Jonathan Wamback, a 15-year-old young man, was severely beaten by a group of teenagers. His skull was fractured, many blood vessels were severed and he was left in a coma that he remained in for some months. I understand that recently he has come out of that coma to some extent. I applaud that fact, and I applaud him and his family for the strength they have shown through this horrendous ordeal. But I am rather saddened and I am left asking how this could happen in a country as wonderful as Canada. How unfortunate. These people are not going to be tried in adult court. At most, they'll likely get a gentle slap on the wrist rather than a firm one. I'm left with a nauseous feeling just thinking about this young man suffering in the gutter after being kicked by people such as this. Then there's no justice afterwards, and that is the most unfortunate part.

This act, as I go on through it, does not guarantee that youth who are convicted of murder, aggravated assault, manslaughter or attempted murder would be sentenced as adults. Even if they use weapons, it still makes no difference. The public just doesn't understand this. The changes proposed in the Youth Criminal Justice Act are simply and unquestionably unacceptable.

This resolution sends a simple message to Ottawa that our government condemns you for being soft on crime. It's time to turn another leaf. It's time to change your attitude about being soft on crime.

There is no question about what has been going on, particularly since the last election, with the law-and-order agenda the province of Ontario has been carrying out. Certainly we are concerned about the safety of the province and want to make our communities safe places

to work, live and raise a family. Since the last election, we have taken many steps I am very proud of to ensure that people live in a safe province and in safe communities. But there is one missing piece of the puzzle, and that is the fact that the federal government does not want to bring in meaningful reform to the Young Offenders Act. Tragically, we must depend on the federal government in this area, but it is a government that is soft on crime and is just not prepared to put in that missing piece in the puzzle.

We have a top priority in our government on fighting crime, and it certainly seems to be working. The Attorney General has issued a directive that conditional sentences should not be sought for violent crimes. We have introduced the Parental Responsibility Act so that when there is damage to property, the parents may be responsible for up to \$6,000 in damage. We have brought in Christopher's Law, which will create a sex offender registry here in Ontario. We brought in the Safe Streets Act to overcome some of the problems we have with aggressive panhandling. We have passed a bill to make penalties more severe for those who try to flee the police. We have doubled the number of domestic violence courts in the province. So we are committed to looking after the province and making sure it is a safe province and that we have safe communities. We think it is time the federal government was also committed to protecting Ontarians from violent criminals.

We have heard an awful lot from the federal government and the Minister of Justice on their opinions, but it really doesn't fly. It is time the feds woke up, did something about the Young Offenders Act and quit being soft on crime.

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Not only do we have an excellent track record; many things also came out in the last budget that indicate the future direction of this government and where we are going with looking after our communities and ensuring they are indeed safe. For example, money has been set aside to hire another 165 probation and parole officers. We've come up with three specialized OPP policing teams for some \$6 million a year: an electronic crime squad, a seniors' assistance squad, and a special safety team that will look after our snow trails and our waterways. We're increasing our funding for community policing partnerships, making that a permanent fund and increasing it by \$5 million to an annual total of \$35 million.

We're looking at improving the justice sector technology by setting aside in the budget some \$6 million, and also \$4 million for an organized crime joint force. That is the main purpose, organized crime, and to make sure that people who commit crimes don't end up in a position to get a profit from it.

There is also the youth justice committee pilot, increasing that from six sites to some 18 sites over the next two years.

There is \$1 million being invested so that we have a permanent office for victims of crime. That was a bill we

passed some time ago that will ensure there is a permanent office to look after those victims.

You will remember that back in 1999 we doubled the number of domestic violence courts. I mentioned that a few minutes ago. Now we're moving from some 16 to 24.

I see this as a very important resolution. It's unfortunate that it's necessary for our government to bring it in to try to lobby the federal government to do what's right, but obviously they are soft on crime. I guess that's sort of a Liberal thing, to be soft on crime, not worried about the victims, not worried about our seniors, not worried about people who are going to be on the snow trails or waterways. They're worried about looking after those who have committed an offence rather than looking after the victims. I just hope that for once the federal government will listen when this resolution is sent to them and will see what's going on in this Legislature and have a better understanding of the feeling of the people in the province of Ontario.

I can very enthusiastically support this resolution.

Mr Garry J. Guzzo (Ottawa West-Nepean): My thanks to the member for London West for allowing me his time tonight to address this issue. I welcome the opportunity and I thank the Attorney General for taking the initiative and bringing the matter before the House.

I wish to address this from a little different point of view. As you know, I spent 11 years on the provincial bench, between 1978 and 1989, and a large percentage of my time on the bench was in family court, in youth court and in juvenile court. I hate to admit it but, yes, I'm old enough to have served at a time prior to the Young Offenders Act. I think for the first three or four years on the bench I worked under the Juvenile Delinquents Act, that legislation. It wasn't until 1982 or 1983, I believe, that the Trudeau government introduced and passed the YOA.

It's clear, and it should be clear to anybody who looks back at the historical background, that the YOA was a giant step forward. It was a giant step in the right direction. There were many problems under the old act, and the major problem for the federal government of the day was that the Juvenile Delinquents Act could not survive the Charter of Rights. There was too much scope in that act, and too much leeway for judges.

In 1982 and 1983, I believe, the justice committee of the federal House received many submissions with regard to their draft act. The attorneys general and solicitors general of a number of provinces made submissions, and it's shocking today that our government—our Attorney General, our Solicitor General—is denied the right to address that same committee. Back then, some provinces and territorial governments represented less than 70,000 citizens, and they were heard. Today, our representatives would go there speaking for over 11 million, the population here in Ontario, and they're denied access. Why? Maybe there's a preconceived conclusion already that has been reached by the government. Maybe the arguments

that have been put forward time and time again from this government are not all that well respected.

But look back at the time prior to 1982-83 and the old Juvenile Delinquents Act. Youngsters over seven years of age appeared in criminal court under the JDA. The powers of the judge at that time under the JDA overlapped tremendously with those of the jurisdiction of the judge in the child welfare court. Most, but not all, youngsters between seven and 12 were dealt with by reference to the Child Welfare Act of the day. However, youngsters as young as seven or eight years of age were sent off to training school in Ontario under that former legislation. I don't think I have to remind you of the apology delivered a few months ago in this House by the Attorney General to some of the people who were sentenced to those training schools.

Indeed, as a youth growing up in the 1940s and 1950s in central Ottawa, I remember the sight of some who had run away from or had been returned from the training schools. I remember youngsters in the playground, bruised from rear to ear with welts the size of footballs on their backs, and the stories they told sounded as though they were originating from a foreign country, not 30 miles down the road at Alfred, Ontario. So the gigantic step forward was much appreciated by the bench and by the bar, but most of all by the public and by the youths who would fall out of line with the law and appear in the YOA court.

But there's no question that that act did not go far enough. I remember excellent submissions being made to the justice committee of the Parliament of the day. The JDA had not been amended, as I recollect, for over 75 years. Not since prior to the First World War had the Juvenile Delinquents Act even been looked at by the Parliament of Canada. I believe that to be true, and if there had been alterations, they were minor in nature, minor amendments.

The provincial judges association, of which I was a part, made submissions that year to the federal committee. I remember I voted against it. I felt it was improper for judges to appear and argue issues which they would be asked to adjudicate upon in months to come. I remember arguing very strongly that there was something improper, unconstitutional, about doing it. But, given a second chance, I would adopt a different position today. I hate to admit it to people like Judge Michel and Judge Bean; Judge Kirkland; Judge Hamlyn, now Mr Justice Hamlyn of the Tax Court; Judge Rosie Abella, now Madam Justice Abella of the Court of Appeal of Ontario; and Judge Budgell, down in that Thorold-Welland area, but they were correct. That's the only time I recall being wrong and they were right, but I can tell you they were correct when they took that position.

There was one major issue that bothered me and I think bothered a number of people at the time, and that was the issue of the age: Would it be 16 or 18 years? Under the Juvenile Delinquents Act there was an option. A province or a territory could opt for the age they would deal with under that act. Ontario and eight other

provinces had opted for 16, and one of the two territories had opted for 16, leaving one province and one territory dealing with youngsters up to the age of 18 years. I don't have to tell you which province went to 18 in the 75 years leading up to 1982. It wasn't Manitoba and it wasn't British Columbia and it certainly wasn't PEI.

It was the province of Quebec. We had another classic example of the tail wagging the dog. For those of us who have practised law for a number of years in Ottawa and along the border, we saw first-hand the results of that province struggling with 16- and 17-year-olds in a juvenile court under juvenile legislation. There was no possibility that it would be better—it would be a little more expensive, but there was no possibility that it would be better—to deal with these people in the manner in which the Quebec government was dealing with them, up to the age of 18 years.

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When I think back to my days as a practising attorney, the criminal courts in the province of Quebec were clogged with professional situations that involved youngsters of 16 and 17 years of age. The heists were organized by the pros, but they'd have a youngster at their disposal, entering into the building, breaking into the home, being the one whose fingerprints would be on the windows and on the doors and inside. If somebody got caught, it was the youngster, and they would be sentenced within the limitations of the Juvenile Delinquents Act. That is in fact what was copied in Ontario and elsewhere when the Young Offenders Act came in. We have professional organized crime today making use of youngsters, doing exactly the same thing.

There are a number of other issues with regard to the legislation presently before the House in Ottawa and the proposed amendments that have come forward. There is a tremendous amount of work to be done. Society has changed since 1982 or 1983 when that act was introduced. Indeed, society had changed tremendously between the passing of the Juvenile Delinquents Act and the passing of the YOA in that 75-year period.

For legislation to keep abreast of the changes in society, particularly today, with the breakdown of the family contributing so much to the element of criminality in the youngsters of today, we need a scope in the legislation that comes forward from that federal House that allows the professionals, the good professionals, the solid professionals, the police officers and the solid police organizations in this province, to come to grips with a problem that is quickly whirling out of control.

As I say, I commend the Attorney General of this province for his incessant and continued support to force and cause the federal government to come to grips with a problem that they don't seem to appreciate, at least to the same degree that the people we deal with here in Ontario do. I thank you very much for the time allotted.

The Deputy Speaker (Mr Bert Johnson): Further debate? The member for Scarborough—

Ms Marilyn Mushinski (Scarborough Centre): Scarborough Centre, Mr Speaker. Some call it the centre of the universe, which I would.

It gives me particular pleasure and privilege to follow the very articulate positions put forward by my colleagues the member for Cambridge-Northumberland and certainly the member for Ottawa West-Nepean. Based upon what they have said, I don't believe there is any doubt in anyone's mind, certainly not in the general public's mind, that the federal government absolutely refuses to get tough on crime, and youth crime in particular.

We've heard, of course, from the Attorney General and the concerns he has expressed with respect to the federal government's position on justice and on youth crime. Indeed, the federal standing committee on justice and human rights that is currently considering the Youth Criminal Justice Act, the so-called replacement for the Young Offenders Act, has actually refused to hear from the Attorney General and certainly our colleagues, the Solicitor General and the Minister of Correctional Services. The committee also refused to hear from the co-chairs of the Crime Control Commission. Let's not discount the tremendous role that the Crime Control Commission has played in terms of receiving feedback from our communities across this province. It's a well-known fact that violent youth crime increased by 77% between 1988 and 1998, and that has a tremendous impact on all of our communities across this province.

I have a particular concern because my own riding has been the centre of a lot of concern with respect to crime in general. In fact, I've even had the opportunity to write to my own MP, John Cannis, on this particular issue twice in the last six months. I have yet to even receive acknowledgement of either letter.

Interjection: Arrogance.

Ms Mushinski: I hear the word "arrogance." As a matter of fact, I used it on a radio talk show yesterday. I was shocked to learn that two convicted killers of a cop in my great city of Scarborough were allowed to serve their time together, this despite the fact that there had been a huge expression of outrage from communities at large and especially my community in Scarborough.

It was interesting to read, I believe it was in the Toronto Star, that the Correctional Service of Canada itself wasn't going to listen to the opinions of the public. It's very interesting to see how within a very short 48-hour period they changed their mind. Clearly the public, as it speaks, does have some influence, but whether or not it has influence on what is considered to be, by a lot of residents living in my riding of Scarborough Centre, an extremely elitist and arrogant attitude by the federal government, whether or not it has any impact with respect to the Young Offenders Act and the changes to it, remains to be seen. I have to admit that I don't hold a great deal of confidence, given the fact that I have yet to receive any kind of positive response from my own federal member.

The federal government will not even repeal the "faint hope" clause that lets convicted killers out of prison after serving only 15 years of a life sentence. The federal government refuses to repeal the discount law that lets criminals out of prison after serving only two thirds of their sentence. This means that people like Karla Homolka could be out on our streets some time next year.

The reason I raise this is because, as has been alluded to by the Attorney General, there's a definite feeling of futility on the part of the people of Ontario, who feel they really are being denied a voice at the federal level. They didn't want to hear why we think the proposed act is weak legislation and they didn't want to hear how we could improve it. Instead, my understanding from the Attorney General is that a number of amendments to the Youth Criminal Justice Act are being proposed in response to Quebec's concerns, but they don't expect these proposed changes to improve the act. As hard as it is to believe, they could actually soften the language of the legislation and make it even weaker.

The committee has refused to hear from my colleagues; the committee has refused to hear from the co-chairs of the Crime Control Commission. Is it any wonder that as they continue to turn—

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The Deputy Speaker: Order. I can't have anyone standing between me and the speaker.

Ms Mushinski: I've lost my train of thought now, Mr Speaker.

As I was saying about the proposed changes, it's interesting how the federal government, in receiving recommendations from provincial governments, actually softened the language of the legislation and made it even weaker. It was always my understanding that the reason they were going to revisit the Young Offenders Act was in direct response to the public outcry they had received across this wonderful nation of ours.

The Youth Criminal Justice Act fails for a number of reasons. First of all, it will not increase jail sentences—not that they were ever meted out by the justice system anyway; it will not automatically try 16- and 17-year-olds as adults; it will not require mandatory jail time for offences involving weapons; it will not allow authorities to publish the names of serious and repeat offenders; and it does not guarantee that youth convicted of serious crimes, such as murder, will serve adult sentences.

I believe, quite consistently with the Mike Harris government, that adult crimes deserve adult time. There's no question—certainly I heard it at the door time and time again during an election campaign last year—that we are dealing with a serious crime problem in our communities. We are doing something about it. We're implementing the Safe Schools Act that was initiated in the last term by my great colleague from Scarborough Southwest, now the Minister of the Environment, Mr Newman. The recently announced code of conduct will help to instill respect and responsibility in our children, and this is a theme I have heard time and time again as I have embarked on a series of community advisory

councils in my own riding. We have created strict discipline facilities for our youth offenders. So many people I speak to in my riding say, "It's about time."

The 2000 budget has committed \$3 million to increase the number of youth justice committee pilot projects, some of which are actually implemented in my own riding. We created the Safe Streets Act to deal with aggressive panhandling and other threatening behaviour. In fact, nothing gives me greater pleasure now than to be able to feel reasonably safe driving and walking in the streets of downtown Toronto since we enacted that particular bill. I can't begin to tell you the number of times I personally felt very threatened by aggressive panhandling and other threatening behaviour before the enactment of that bill.

We've created the Parental Responsibility Act to make parents more responsible for damage that is intentionally done by their children, and we've established permanent funding for the community policing partnership program to put more front-line officers on our streets. In fact, I was very proud to be able to present Toronto Chief Julian Fantino with over \$1 million for new officers under this program, and I understand that more is to come, which again reiterates our support for improved and enhanced policing in our cities.

The number of applicants being granted parole has fallen from almost 60% in 1993, when the NDP were in power, to approximately one third in 1999. That was yet another issue that was consistently raised as we took our Common Sense Revolution and our Blueprint to the people.

We have created a Victims' Bill of Rights. I keep hearing time and time again that the justice system has become a system that serves the needs of criminals at the expense of victims. This is yet another example of how we believe as a government that it is time to protect the rights of victims and individuals in our communities.

We've established a fund to help the families of murder victims pay the costs associated with attending parole hearings for killers applying under the federal government's faint hope clause. Unless and until the federal government recognizes that all of us must do our part to ensure that Ontarians feel safe in their neighbourhoods, on their streets and in their homes, everything we do at the provincial level will not help, because it is a known fact that the Criminal Code clearly falls under the jurisdiction of the federal government.

Another initiative we have done is expand the number of domestic violence courts. I must say how proud I am that one such court will be established in Scarborough.

There is no question that acts of violence in our province create a ripple effect outwards that destroys the environment for learning and working. They make parents fearful for the safety of their children. While we know that some of these incidents can be attributed to youth who are disturbed and who truly deserve medical and psychological help, we believe that many of these incidents are solely criminal acts.

I will close by asking that this Legislature support the motion by the Attorney General. I urge all members to speak on behalf of their constituents by supporting this resolution. It's time that Ottawa heard that the people of Ontario want strong and safe communities.

Mr Michael Bryant (St Paul's): I will be sharing my time judiciously with Mr Conway, the member from Renfrew; Mr Parsons, the member from Prince Edward-Hastings; and the member from Sudbury.

To begin with I want you to know that I had hoped to be, on behalf of the residents of St Paul's, at the Rathnelly Area Residents Association meeting. I raise this because it's relevant to this debate in this way: I said, "We're debating this motion. I'm going to be tabling amendments and we're going to be debating those amendments." One of the residents I spoke with said, "What's the resolution?" I explained that the provincial government was tabling a resolution castigating the federal government, and this person said, I thought quite commonsensically: "What for? Why would you spend time in the provincial Legislature whining"—in this person's word—"about what's happening in the federal Legislature? Why don't they just go and run federally, and/or why don't they make relevant changes to deal with youth justice at the provincial level?" I said, "I agree."

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So it is with regret that I could not be at that meeting, but at least we can table amendments to try to focus the debate on something that is relevant to a provincial Legislature.

I have left a copy of the amendment with the clerk's table, and I'll now read it into the record.

I move the following motion:

That the Attorney General's resolution be amended by deleting parts (a), (b), (c), (d), (e) and (f) and substituting the following sections:

(a) condemns the Harris government for its jurisdictional deflection, grandstanding and complete failure to accept responsibility for youth crime in the province of Ontario;

(b) regrets the posturing of this government as to the Young Offenders Act and urges review of its own prosecution record of transferring youth to adult court only nine times in 1998, compared to 23 such transfers in each of Manitoba and Quebec;

(c) urges the Harris government to improve their dismal record on crime prevention;

(d) demands the Harris government take action to halt Ontario's gun epidemic, which is fuelling much of youth crime, by supporting the official opposition's numerous private members' bills seeking to restore the safety of Ontario's streets; and

(e) resolves that it is time for all governments to stop fighting over crime and start fighting crime itself.

Let me begin—

The Deputy Speaker: No, I begin.

Mr Bryant moves the following motion:

That the Attorney General's resolution be amended by deleting parts (a), (b), (c), (d), (e) and (f) and substituting the following sections:

(a) condemns the Harris government for its jurisdictional deflection, grandstanding and complete failure to accept responsibility for youth crime in the province of Ontario;

(b) regrets the posturing of this government as to the Young Offenders Act and urges review of its own prosecution record of transferring youth to adult court only nine times in 1998, compared to 23 such transfers in each of Manitoba and Quebec;

(c) urges the Harris government to improve their dismal record on crime prevention;

(d) demands the Harris government take action to halt Ontario's gun epidemic, which is fuelling much of youth crime, by supporting the official opposition's numerous private members' bills seeking to restore the safety of Ontario's streets; and

(e) resolves that it is time for all governments to stop fighting over crime and start fighting crime itself.

The debate will be on the amendment.

Mr Bryant: We have already heard, to some extent, the history of the Young Offenders Act and the Juvenile Delinquents Act, and it seems very odd to be discussing that matter in this Legislature when we have no jurisdiction over that piece of legislation. Perhaps we could talk about what this Legislature could be doing instead.

Let's begin with legislative jurisdiction, which has become the subject of this debate. I say, with all due respect, it is now self-evident that the Attorney General, who tabled this resolution, has absolutely no mandate. Where is this government's mandate on crime?

Let's start chronologically and look at the first law-and-order bill tabled by the Attorney General. We all know the infamous squeegee bill. The Attorney General introduced a squeegee bill which has how much effect on the city of Toronto, in terms of the squeegee population? Nil. It's a bill that has had no effect whatsoever on this province other than this: It has ended the ability of charities in small urban and rural communities to fund-raise, as we predicted it would.

Don't believe me. Believe the head of the Cystic Fibrosis Foundation. Believe the people who received an opinion from municipal lawyers that there's no way that a bylaw or permit could be provided by the municipality, because soliciting for money at street corners is clearly a violation of the squeegee bill. I wish it weren't so. We said it would be so. Yet what did we have in committee? I think we had all of less than an hour to debate the bill. In fact, we found there was no interest whatsoever. We told this House time and again that these charities were going to be hurt as a result.

Instead, what we find is denial on the side of the government at the same time as these charities have to go out and find another way to raise hundreds of thousands of dollars. For what reason? Because this government was trying to look tough on crime. If there is one theme that runs throughout the justice policy as per the current

Attorney General and the current government, it is: "Let's talk about crime. Let's deflect. Let's distract. But for goodness sake let's not do anything about crime."

The honourable minister mentioned the member from Eglinton-Lawrence. It's interesting, because the squeegee bill was dreamt up under a previous mandate. I've said it once and I'll say it again in this House that the member from Eglinton-Lawrence, the member from St Paul's and all people who take seriously the rising incivility in our streets—and we do take it seriously—would have legislative changes brought in that would take those who obviously need to be led towards more productive lives and do that.

But what this bill does is two things. First, it has the pernicious effect of turning today's squeegee kid into tomorrow's crowbar and crackhead. That is hardly going to help crime in Ontario. The second thing it does is put people into the revolving door of criminal justice. Notwithstanding efforts to try to make them accountable, no justice of the peace is going to sentence somebody to jail for putting a squeegee to the windshield, and this government knows that is the case.

So I ask again, what is the mandate of this government when it comes to crime? The answer, the first salvo, the first effort on behalf of this government to show it was serious about crime was this silly, useless squeegee bill, which has had absolutely no effect whatsoever on the safety of our streets.

Next the honourable Attorney General introduced the Parental Responsibility Act. We didn't even have to wonder whether or not this act was going to work. We just had to look to another province, Manitoba, where the act had absolutely no effect whatsoever. If anything, it gave defence lawyers some extra excuses to use on behalf of those in opposition to victims. So that is no help at all, and we knew it wouldn't be any help.

Again, that is this government's response when faced with the issue of crime, the rise of crime and concerns about youth crime that the member from Scarborough Centre alluded to. They throw up the hot button, hope the talk shows will pick it up and that it goes across the circuit of the province and that people will think that just talking about crime means doing something about crime. But I'm telling you that the people of Ontario aren't being fooled. Ask them, "What are they doing?" and they all agree that the squeegee bill was a bust. The Parental Responsibility Act, like the squeegee bill, was rammed through in a time allocation motion. Why? Because it was a bust, and we in the official opposition had no opportunity whatsoever to table amendments.

Then, in the midst of the Parental Responsibility Act, this government hoist itself on its own petard by saying: "In the face of taking youth crime seriously, we're going to say that if you do something which vandalizes a house"—not something that causes personal injury, because that isn't covered under the act—"if you do anything that leads to a property offence taking place"—again, not under the Criminal Code but purely civilly—"then you are not responsible for it. Your parents are

responsible for it, and we the government are not even going to bother taking these parents to court on behalf of victims. We're going to leave it up to the victims to do it."

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Yet again this government, when faced with an issue of youth crime, turned the whole assumption on its head and, instead of saying that youth ought to be held responsible for their actions, said, "Their parents should have to pay for that, but we're not going to help the victims of crime in this instance."

Then what is the next salvo to come from this government, thus far, that has become the subject of debate in this House and otherwise? It has been a private member's bill. It's interesting that when you look to the mandate of this government with respect to crime, you can't point to a crime bill. I hope they don't hold up the squeeze bill as their trophy or the Parental Responsibility Act as their flagship. Instead, it's a private member's bill. The member for Scarborough Centre's private member's bill is getting a lot of attention across this province. Yet this very bill will grind the criminal justice system to a halt. Everybody should know this on the government side of the House; we know and heard it today from those who will bring those motions. Every defence lawyer worth his or her salt is going to bring a motion to have a stay of proceedings because the judge they are before is being interfered with by the government and therefore there's a reasonable apprehension of bias and there's a violation of section 11(d) of the charter. Again, don't take my word for it. Take the word of Clayton Ruby, who was saying it and will do it.

The whole criminal justice system grinds to a halt waiting for this particular bill to be struck down, and what's the response? It means that for many of those who otherwise would have been convicted, the charge is stayed and off they go; they walk the streets. So the next great contribution of this government to crime is not only to move the squeeze kid to the crowbar and crackhead but to move those who otherwise would perhaps have been convicted—we'll never know—on to the streets, saved by this abomination, the Judicial Accountability Act.

In the midst of that, what is this government doing about the important issue of child prostitution? There's a youth issue that I know the member for Sudbury will be speaking to at some point. Do they support the Bartolucci bill? Do we have any movement on the Bartolucci bill coming forward? It passed second reading but, to be fair, it has passed second reading before. If this government is serious about child prostitution, as I know we'll hear from the member for Sudbury, then they should be supporting this bill and moving it along. It seems that the serious initiatives about the safety of our streets, frankly, are only coming from the Ontario Liberal Party.

Would you like another example? I'll give you another example. Today there was discussion of the rave bill being introduced by the deputy leader of the opposition.

What is this government doing about raves? They're talking about it.

Mr George Smitherman (Toronto Centre-Rosedale): They've got a backdrop.

Mr Bryant: They do have a great backdrop, but are they in fact legislating in this area? No, they're not.

With respect to the gun epidemic, we know that one out of three accidents causing death involves a gun; one out of three suicides involves a firearm in Ontario; one out of five homicides involves a firearm. We rank sixth in the world in terms of firearm-related deaths of children, if you want to talk about the youth of our province—in the world we rank sixth. So what are we doing about the gun epidemic? We know this government's record on the gun epidemic is miserable. This is a government that put guns in the hands of 12-year-olds. This is the government that has a member who shills for the National Rifle Association and members who shill for the gun lobby. This is the government that joined the gun lobby in opposition to the chiefs of police, in opposition to police associations, in opposition to victims groups, in opposition to Priscilla de Villiers, the head of CAVEAT.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Let's ask Priscilla what she thinks.

Mr Bryant: The minister says, "Let's ask Priscilla." The media has asked Ms de Villiers, the candidate for Hamilton-Wentworth. You'll note that I remembered the riding she's running in, unlike the Honourable Premier, who forgot it the other day in this House. Ask Ms de Villiers what her position is on gun control, and she will say that she is opposed to what this government is doing on gun control. I say to the people of Hamilton-Wentworth, do not expect Ms de Villiers to have any sway with this government when it comes to doing anything serious about crime. The candidate will walk up to the table and she'll express her views, and this government will say the same thing to her as they say to all victims' groups, including her own when this Attorney General had his lawyers, at the cost of hundreds of thousands of dollars, appear before the Supreme Court of Canada on the federal gun control legislation to shoot down the existing gun control legislation, again in opposition to and in the face of what the police and victims wanted. So, two great contributions by this government with respect to guns.

There's more. This is the government that permitted how-to-shoot manuals to go into our schools—a proud moment—to deal with the gun epidemic currently plaguing this province.

What is the government's record on crime prevention? There is, for instance, in the riding of St Paul's an organization called Youth Assisting Youth. They've been extremely effective in finding mentors and attaching them to troubled kids, helping those kids before they get involved in the criminal justice system, keeping them out of trouble and out of abusive households and into relationships and friendships. There's a solution, but there's a waiting list for Youth Assisting Youth of over

300 troubled youth. There's a waiting list because they aren't getting the appropriate investment from governments, I say in the plural. It's very important that we not play the game of deflection and distraction here in the Ontario Liberal Party. We're here to say that we're serious about the safety of our streets. We want to improve the safety of our streets because our vision of Ontario involves safe neighbourhoods.

To do that, you need to legislate, but this resolution isn't legislating. This resolution is not going to save one child's life. This resolution is not going to take one child who would otherwise head towards a life of crime and put them on the path of a more productive life. This resolution isn't going to take a single gun out of the hands of somebody in whose hands it ought not to be. This resolution is going to do absolutely nothing in terms of contributing to the safety of our streets. Instead, the hope is that the government can blame parents of wayward kids, squeegee kids, for all crime. Now they want to blame judges and, in addition, they want to blame the federal government.

I say this: The Attorney General of Ontario, 85% of the time when he stands up in this House, or in a press release, talks about other politicians. Where's the mandate of this government on crime? Everything is either borrowed from a previous throne speech of the late 1990s or it's just reannouncement after reannouncement or it's this resolution. The height of the resolution itself is hypocrisy—and I'm not referring to any member when I say that—the height of deflection and distraction.

The Ontario Liberal Party believes in justice being all those bonds that we have in our community to keep our community safe: responsibility to others and responsibility by the state to individuals and by individuals to others. It's all about social responsibility, and this resolution will not do a whit about crime and youth crime in this province or in this country.

2000

Mr Ernie Parsons (Prince Edward-Hastings): I'm pleased to speak to this resolution. I have had an interest in the betterment of youth over the years and I can think of the time I've spent: 24 years on the children's aid board dealing with youth who have problems, not necessarily problem youth but youth with problems; on the school board in dealing with young people's difficulties in schools; teaching in college; and my wife and I fostering. I think it's fair to say that I've had a fair amount of interaction with youth.

The dialogue from the government side, since I've come to this Legislature, has been to focus on crime and bad kids. I think we need to differentiate between kids who are bad and kids who are behaving badly. There are all kinds of kids. But I don't think we should focus on just the kids who get in trouble, as we seem to be doing. There is no end of good young people in this province about whom I don't hear very much dialogue. Yesterday afternoon I had the pleasure of attending the inspection for the air cadets in my riding, and followed that with a sea cadet band performing for the public: young people

who are most impressive, absolutely great young people doing betterment for their community.

There are a lot of kids who are having difficulties, who have problems in life and require support or even intervention by other groups; I'd like to talk about them more at length in a moment. But I also recognize that there are bad kids. There are kids we need to be concerned about, under the Young Offenders Act, to ensure the safety of others, and I accept that there needs to be facilities for them. We've heard said tonight that the boot camps have enabled these young people to turn their lives around. I don't think there have been any statistics yet that would give any credibility whatsoever to that statement. They are far too new and far too short a time in operation to have any indication that they work in Ontario. If we look at cases in the US, we would seriously question whether they work. But we certainly don't yet know whether they do work.

We seem to have a lot of money to focus on kids we believe are problem-makers, without recognizing that the best possible investment we can make in this province is in prevention. It has always struck me as a mix-up in priorities when the government talks about the money we spend on colleges and universities, which works out to about \$3,000 a year for a student in college, and yet we don't begrudge the money that it takes to lock people up. I have seen tremendous cuts in programs over the last five years that I believe would have kept young people out of the justice system.

The children's aid societies: The massive funding cuts that came in 1995 resulted in all prevention programs being cut. They focused strictly on children who were absolutely in need of protection. I can think back to before those cuts took place. We had a young lad in our home who had been voluntarily put into care by his parents. He was not perceived as being in need of protection but had been given to the CAS by consent and came to our home. The parents obviously felt they needed some help and assistance. This was a kid who came with the reputation of being a bad kid. He was the ripe old age of eight. In those eight years he had caused the school he attended to have to lock all the classrooms at noon. He was the reason, because of theft that was taking place within the classrooms, and was perceived by the community as being, for lack of a better word, a troublemaker.

He was with us for some months, and it became apparent that, yes, he was going into classrooms at noon because he hadn't had any food to eat that morning, no breakfast at home. Many days he hadn't had any food to eat at dinner the night before. He wasn't going through classrooms to steal items for fun. He was going through classrooms to survive, to try to find some food or something that could be negotiated or sold for food, for that very basic element in life that isn't a luxury and isn't an option. Not a bad kid, a kid the community now is very proud of. He turned his life around, not because he was ever a bad kid, but because circumstances and lack of money forced him into a certain role.

I watch at school boards, where this government cut all the funding for late buses. For someone in the 905 area, maybe that's not a big deal. But for people in rural areas, young people who want to participate in a sports activity, which I think does wonders to mould and shape and help a young person grow, or who want to take part in a debating club or any sort of organization, or who just want to have extra help at school, those buses are cut. I think that negatively influences young people.

I looked recently at all the young people in my community who take part in junior farmers or the 4-H Club and used to meet rent-free at the agricultural offices and use their boardrooms for their meetings to help to make them better youths. Those are no longer available.

If we were truly concerned about crime, I think we'd be concerned about the fact that there are fewer police now than there were in 1995. Police are needed not just to deal with the drug situation, and I recognize that is certainly an element in the problems young people can create. But even in schools where they have VIP programs, where the police officers come in and do some teaching with the teacher so that the students feel comfortable and have no fear of the police and view them as friends—police forces, with their reduced resources, are having to relinquish some of those operations. Where we had money in the past that was available for prevention, it has been funnelled away. We are seeing in Ontario some young people from desperately poor homes. And when you have nothing, you have nothing to lose. For those young people, unfortunately, a life of crime may become a little bit attractive.

I know there have been a number of high-profile cases where it was obvious to the public that there should be consideration to the young person being tried as an adult. But I would echo the comments of the member for St Paul's: When this government asked for a youth to be moved to adult court only nine times in the last year, obviously it's not as big an issue as it's purported to be.

I would like to talk about a particular group of young people, those born with fetal alcohol syndrome. This is a result of their birth mother consuming alcohol during the pregnancy. That wasn't even thought about 10 or 15 years ago. In fetal alcohol syndrome, which is the only preventable form of mental retardation, the centre of the brain does not form. The growth activity that should take place is slowed down by the alcohol. It means that these young people will have a very difficult life ahead of them. Why am I talking about fetal alcohol syndrome when we're talking about this crime bill? Because all criminal authorities recognize that approximately 40% of the people in our prisons in Canada have fetal alcohol syndrome. Their behaviour has been influenced by the presence of alcohol.

I have attended numerous meetings with parents of fetal alcohol syndrome children. Interestingly, 99% of the young people in Ontario who have fetal alcohol syndrome are in adoptive homes; they are not with their birth family. When I talk to these adoptive parents or parents, their number one concern is that their child not go to jail.

They view that their mission in life is to keep their child out of jail.

What does this government do to keep these young people out of jail and to support the parents? Nothing. There is no program dealing with it, there are no specialized group homes for them and there is no support for the parents, recognizing the 24-hour care that these people require. Many of them are extremely good kids, but because of an unfortunate action on the part of one of their parents, they cannot function on their own and independently. The number one placement for them is in our penal system. What a waste of resources. It is obvious that rather than the rhetoric of making our streets safe—I hear from police officers that instances of crime are down—rather than making our kids safe from people carrying squeegees, let's focus on providing the support so that our citizens don't go to jail but get the support they need to live in the community and contribute to the community.

2010

Mr Rick Bartolucci (Sudbury): I am privileged to be able to stand this evening and talk about the amendment my fellow member for St Paul's introduced in this debate this evening. I'd like to focus on the last subsection of his amendment, which says, "resolves that it is time for all governments to stop fighting over crime and start fighting crime itself." I'd like to frame my few remarks this evening in that context. Earlier we heard from the government members. They were slagging the government. I think that is probably the worst message you could send out to the people of Ontario, that this government we have in Ontario is more concerned with criticizing than actually doing something very positive.

I would suggest that this government does not have a lock on law-and-order issues. We just have to look at what the members of the Liberal opposition have introduced into this House over the course of the last few months to understand that indeed, if this government was wise and if they wanted a lock on law-and-order issues, they might want to spend time tonight debating Bill 67, the member from St Paul's bill, which deals with replica firearms.

I would suggest to you that the seizure last week of 3,200 potentially dangerous replicas involved in criminal situations which could cost a loss of life is something the police want you, as government, to be concerned about. The reality is, the Bryant bill, Bill 67, is a good bill. It certainly is a law-and-order bill. It is something we should be debating tonight, as opposed to debating a very partisan resolution which at the end of the day will make absolutely no difference at all.

Bill 67 was introduced by the Liberal member from St Paul's, Mr Bryant. He did it not for partisan reasons; he did it because he believed it was important that this become law and that in fact we have some type of legislation on the table with regard to replica firearms. I would consider that to be a law-and-order issue. It's certainly a bill that is worth passing, and it's worth passing immediately.

I'll go back to my own two private member's bills, which protect children and which will punish those adults who take advantage of children by coercing them to become sexually active by sexually exploiting or sexually abusing them through prostitution. That's Bill 6. It has received second reading and it has been referred to general government, and that's great. I'm happy about it and the people of Ontario are excited about it, but do you know what? They want this passed into law quickly. I would challenge the government to call this bill to general government immediately, debate it and pass it within the next three weeks. If you wanted to do that, you then might have people who have seen you over the course of the last year and a half playing political football with this bill, and they might understand that you really are serious about it.

Bill 6 is another bill introduced by a Liberal member. Bill 32 was also introduced by a Liberal member. It is going to punish those who would take advantage of or seek sexual services from minors while using their vehicle by suspending their driver's licence. I suggest to you this is a very real way to deter those people who would take advantage of young people through sexual exploitation and abuse. I would suggest to you it's a bill that the people of Ontario want, that certainly police officers want, that certainly social service agencies want. We have letters of support from all across Ontario, yet it awaits this government's call to committee. Again, if you're serious about your involvement in law and order, if you truly want to be the leaders in law and order in Canada—these are the types of private members' bills you have—take a big swallow and say: "Well, you know what? People on the other side of the House have good ideas, and we should enact these types of bills into law."

I'd like to spend some time this evening, if only I had an hour to speak, talking about some programs that are out there, programs we should be debating in this House, programs that should become a part of the law of Ontario. I look at the SKIPP program which is in place in Nova Scotia. It's an acronym for Stopping Kids Involvement in Prostitution and Pornography. It's an excellent program. It's in place. It's sponsored by the Garden of Missing Children Society, a non-profit charitable organization headed up by Linda Davis, who is its founder and its president. She's on an awareness campaign to try to change the direction of children's lives.

I suggest to the government members this evening that we would be better spending our time discussing and debating this type of program, or the program that's currently in place at St Benedict Catholic Secondary School sponsored by Mr Battigelli, Mr Visentin, Mr Currie and Mrs MacGregor. It's a three-part program. The first part of the program is conflict resolution, the second part is cultural awareness and cultural appreciation and the third part is raising the social justice issues within their school. By doing that, they hope to create greater harmony among the student body at the school but, more important, they want the program to leave the school and move out into the community so that

our communities will become better places for everyone to live and grow up in and be a part of. Those are the types of programs that are found all across Ontario, but we choose not to debate these issues or discuss these types of issues; we choose to spend time debating very partisan resolutions which fool absolutely no one.

I want to congratulate Teresa Stewart, the principal at St Benedict Catholic Secondary School, the teachers I mentioned, and also the 12 students who are leading this program called Partners in Peace. They are Jessica Atkinson, Marissa Fong, Natalie Gagne, Neil Sutton, Taylor Murphy, Andrea Rossanese, Teresa Oppedisano, Cory Maestrello, Jodi Fox, Sarah Moulaison, Tajana Centis and Adrian Muzzatti.

These people want a better society. They're getting a better society because they're being proactive. They're not being confrontational. They're not talking about partisan resolutions that at the end of the day will do nothing. They're doing something proactive. They urge this House, the founder of the SKIPP program urges this House, the member from St Paul's who introduced Bill 67 urges this House, the deputy leader, Mrs Pupatello, urges this House with the introduction of her private member's bill, and the member from Sudbury urges this House with the introduction of his private member's bill, to do something proactive as a government. Don't talk the talk. We want you to walk the walk and we will walk with you. If we have to lead you, that's fine, but we want you to walk the walk.

2020

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to join the debate tonight on the resolution standing in the name of the Attorney General and now amended by my colleague from St Paul's. I've listened with much interest to most of the presentations tonight.

I want to say in a special way that I particularly enjoyed the observations of Judge Guzzo, the member from Ottawa West-Nepean, who I think is alone in this Legislature in having had in his experience 11½ years on the bench. I quite frankly regret that the judge didn't have more time to reflect at even greater length about his experience in these matters, particularly his experience with the old juvenile court and later versions of that same court.

It is also clear from this debate that, as always, issues of crime and punishment continue to interest and divide men and women of goodwill and reason. A number of people here tonight have rightly observed that there continues to be a divide between the statistical reality which these days is in most jurisdictions in Canada and the United States, and I suspect in western Europe, although I'm not as sure. The reality seems to be, in Canada and the United States, generally speaking, society is much safer and the incidence of crime in almost all categories is declining. My colleague the member for St Paul's looks a bit quizzical. There is no question that there are examples—I think the incidence of violent crime among young people is going up. I was listening to

a program the other day and it was clearly indicated that young girls are showing some very worrisome tendencies to become more violent. But broadly speaking, the data suggest that overall crime statistics are more positive today than they were 10 and 20 years ago.

But the reality, particularly in suburban America and Canada, is that we live in ever-present danger. This impression is certainly fuelled by the popular media, which seem to report almost on a daily basis the latest grotesque and violent crime in a neighbourhood, it seems, not too far from where you are living. One just has to look at the television these days to be reminded of not just Columbine, which is an upscale suburb of Denver, Colorado, but Taber, in rural Alberta. I come from the Ottawa Valley and regrettably we have had in my rural part of eastern Ontario some very serious violent crime in the last number of years. I think it is fair to say that my community was certainly shocked by those examples.

We live in a society, frankly, where we have a popular culture that seems to celebrate violence. One just has to look at what is on television or what is in the local cinema. I was reminded the other day that the most popular program on cable television in America today is the World Wrestling Federation, which I would describe as a violent, pornographic carnival. I don't have kids, but if I did and they were watching that violent pornography, I would be pretty worried. I repeat: The celebrated WWF is apparently the most popular program on cable television in America today.

Has anybody really watched it? We all laugh. It's a big joke. I was talking to a school principal on the weekend and he said he had a very serious incident last week where some young kid, a grade 7 or 8 student, just shoved one of his colleagues headlong, face first into a glass divider. What was he doing? He was mimicking the wrestling circus.

I remember being in Boca Raton, Florida, a few years ago with some friends of mine, one of whom happened to be a judge and another a lawyer, and their wives. We were watching this popular movie called *Pulp Fiction*. We were a bunch of middle-aged fogies, and we were surprised at the number of young people around us in that theatre who thought this was the last word in high comedy, and the more gratuitous the face-blowing-off incident in the movie, the bigger the laugh.

I remember getting off a plane in Ottawa the next night—and some of you may remember this incident. An Anglican priest and his wife in their mid- to late 70s were brutally murdered in their home. I believe the accused, and in the end the convicted, were three youngsters, 12, 13 and 14. They took baseball bats to a septuagenarian Anglican priest and his wife and killed them in cold blood. I remember the television that night or the next night. Their high school and senior elementary school pals were weeping and gnashing, as you would expect, because they couldn't believe it. Those were the same young people I had seen in Florida two nights before

having a belly laugh about the blood and guts in *Pulp Fiction*.

Somehow, in ways I don't understand, we have created a society that is desensitizing people, particularly young people, about violence, about murder and mayhem. In my view, it is a serious cancer for which there are no easy answers of which I am aware, but it is a cancer nonetheless.

Videos and the video world that young people today imbibe: Have you tuned into that lately? Is it any wonder we have some of the problems we have, if that is the daily diet on which young people are being raised and which they are being fed?

Think about Columbine for a moment. Think about those accused youngsters and where they lived. These were not poor people, as I recall the story, from the wrong side of the tracks. At least one of those accused, as I remember the story, had an arsenal in a half-a-million-dollar home in suburban Denver. Somehow his parents didn't seem to know what was going on. I think we all have to take some real pause. What is going on? What is this cancer and this infection that is creating this very serious problem, as my colleague from Prince Edward-Hastings said, with some very troubled young people?

I'm a bit, I suspect, like the judge who has just rejoined us. I remember well growing up in the Ottawa Valley. Your worst nightmare was being sent to Alfred, and little did we know what was really going on at Alfred. I always view myself as something of a hard-liner on these matters. You meet some of these young punks who are just that, young punks, and they damn well should be held to account for what they have done. It's easy for me to say that. The judge has sat there for 10 or 12 years and seen this daily parade.

One of the things I wanted to say tonight was that two months ago, at the invitation of some area judges, I went to youth court in Pembroke and I spent a day there. I want to take a moment to reflect on what I saw and what I heard. I hope I don't offend anybody. I better be careful, Garry. I'm probably bound to not say too much. What did I see that day over several hours? I'm no expert and I was certainly no saint when I was 12 and 14 and 16, but I saw what I thought were young punks and I thought to myself: "You know, I'd like to send them to Guzzo or to my dad or to some of those nuns I had growing up in the Ottawa Valley. Put them on a community service order. I suspect it would probably be good for them."

But for every one of those cases I saw that day, I saw just so many other cases for which I had no easy answer. I saw mothers with no husbands, with troubled kids to be sure, mothers who wanted something done, mothers who had obviously been there before, mothers who were deeply worried about their kids and wanted help desperately, mothers who were working two and three jobs to make ends meet. I saw court officials I found enormously sympathetic and supportive.

You know what I saw that day? I saw what sounded like one of the most serious cases that court had dealt

with in some time: a youngster about whom it was alleged there was an issue involving firearms. As I remember the case, there had been some evidence in this youngster's background where there was a hint of perhaps some real trouble. This was back in mid-February and the court couldn't proceed and at that time that youngster was in a facility in Ottawa, a long way from his home. By the way, his parents were both there and they wanted help. They were very concerned and very supportive. The judge that day said that she couldn't and wouldn't proceed until there was a full psychiatric examination. In mid-February, do you know when the first date was going to be available for that? Five or six months hence.

2030

That's us. That's the Ontario government. A youngster about whom there was some clear evidence of potential trouble involving a firearm and a school, and we couldn't get a psychiatric examination for five months. I don't want to sensationalize but we well remember the case reported from the west coast last week. That happened in my community. I want to say with all candour that in that situation, from what I could tell, everybody wanted to do something constructive and they wanted to do it quickly, but a very key piece involving necessary resources, namely, a psychiatric examination, was going to be delayed, not a week, not a month but five or six months. I checked the other day just to see—"How are you doing?"—and it may have moved up a couple of weeks, but it's still July.

I'm not here to make light of complicated situations, because my overall impression that day was that I left the court more saddened than anything, angry—yes, at a few of these characters who I thought I might have had some idea for, but for most of these people it just seemed to me a function of social disintegration.

What do you do? I don't know whether you've seen this; my colleagues have heard me talk about this. About a month ago, Bill Moyers ran an exceptional program on American public television called *Surviving the Good Times* and you should make it your business to watch that. It's the story of two families in Milwaukee, Wisconsin, over the 1990s, two middle-class families, one white, one black, where the breadwinners both lost their good jobs in 1988-89.

It is a longitudinal study, this two-hour edited program, of what happened to those families. Let me tell you, those two families did everything you would want them to do. They worked, they upgraded, they volunteered. At last report it looks like they're probably going to make it, though one family is probably heading to divorce court.

The point I want to make is what was happening to the kids. The kids clearly reflected the stress of the home environment. To some degree I think that's what I was seeing that day in Pembroke a couple of months ago. I know, and to some degree I share, the frustration of the right wing which says, "Those lefties are always prone to say, 'It's really a matter of class and related socio-

economic factors.'" To some real degree it is. I see the member from London shaking his head.

I always remember Arthur Maloney saying to me one day, "If you ever need a reason, Conway, to vote against capital punishment, I'll give it to you." This was coming from probably one of the most distinguished defence counsels of this century. Maloney said simply this: "Rich guys are going to be able to hire a guy like me and I'm going to get them off a lot of the time. Some poor guy is probably not going to be able to do that." I see the Republican Governor of Illinois has just stayed any further capital punishments in Illinois because there is real evidence that's what's going on there.

I know we don't like to talk about crime and punishment and how they relate to issues like class, like race. Canadians are pretty aggressive on the world stage, but I'm going to tell you, you look at the percentage of native Canadians occupying jails in this province and country and it's not a very happy situation. Go to Saskatchewan and Manitoba particularly; go to northern Ontario. I'm not a sociologist, and I don't know a great deal about these crime statistics, but I know what I'm going to find when I go to a lot of these jails. I'm absolutely certain of what I'll find there in terms of certain class issues. That does not, I realize, mitigate our requirement to do something. I understand the politics of crime and punishment in 2000.

It is 12 years since Lee Atwater ran that masterful campaign with Willie Horton in the presidential campaign of 1988. By the end of it, Atwater had every suburban white American believing that Willie Horton was just outside, behind that shrub on your front lawn. It scared the wits out of America. Variations of that theme have been played with considerable success over the last 10 or 12 years, and I don't doubt for a moment that we're going to be treated to a lot more of it.

Hon Chris Stockwell (Minister of Labour): What about New York?

Mr Conway: What about New York?

Hon Mr Stockwell: They cracked down.

Mr Conway: Of course they did. I think Giuliani deserves some real credit for what was done there. I think the mayor deserves some credit. But I say to the Minister of Labour that some of this has to do—it's also a function of demographics.

Interjection.

Mr Conway: I'm just saying it's a complicated issue. I understand the politics, believe me, and I as much as anyone—I suspect the irony of this is that my tolerance around this is probably lower than most of yours. Mike Harris is prepared to put up with some things I wouldn't put up with. I'll go no further for the moment.

Interjections.

Mr Conway: No, I'm not going to. But since we are engaged in a resolution about what goes on in the other place—and I don't mean this to be as personal as it's going to sound. I've always kind of liked Jack Ramsay. I don't know Jack Ramsay from the man in the moon, but I tell you that the public out there is not stupid. They

understand politicians who get up on the pulpit to lecture about certain issues—

Interjection.

Mr Conway: All I'm saying is, it's hard to imagine a politician who made a bigger name for himself about being tough on sex offenders and related issues, and what were we treated to in that Prince Albert courtroom in the last couple of weeks? I wasn't there; I don't know. I just know what was concluded in the first case.

I simply want to say that, in talking to people in my community who are much closer to this than I am, they certainly want some things done provincially and federally. Some very knowledgeable people in my community tell me: "Put more resources into parole officers. Those community service orders are far more effective than controlled custody, closed custody for these young people. Yes, there are going to be some people who will get through the net, but overall that is where you should be putting your emphasis, particularly with young people." Social workers are telling me that even in places like Pembroke and Renfrew they are starting to see, in and around the schools, more serious drug use than has been the case in the last few years. Some serious and violent behaviour is now occurring at very young age categories. As I mentioned earlier, girls are now getting into it to match the boys.

I say in conclusion that no fancy resolution, no cheap partisan political salvo is going to solve what in the main is a serious social and economic problem.

Mr Peter Kormos (Niagara Centre): I suspect I'm going to be the last speaker on this resolution and the amendment.

Mr James J. Bradley (St Catharines): Are you sharing your time?

Mr Kormos: No, I'm not going to share my time.

I was concerned about the fact that we're sitting at all this evening, and incredibly concerned about what I won't even call the nature, and least of all the quality, of the debate. Let's say I was concerned about the types of contributions that were being made. I was heartened, I have to tell you quite candidly and honestly, by the contribution of the member for Ottawa West-Nepean, Garry Guzzo. I was similarly encouraged by the recent comments just prior to me of Sean Conway, from Renfrew-Nipissing-Pembroke. I really thought tonight was going to be very much something of a write-off. Part of me still feels very much that way. Part of me says: "What the hell am I doing here? Here is a pre-election Tory tactic designed to dump on the federal Liberals"—and dumping on federal Liberals is not something alien to me—"in anticipation of a by-election in Wentworth-Burlington, and of course a federal election that is inevitable."

2040

I was struck further by the fact that this resolution was initiated by the province's Attorney General. The timing of it, of course, spoke for itself. But I was struck by the fact—what happens, Speaker, and you know this better than anybody because you know the rules here. I have

trouble with them from time to time, but you know the rules. The rules are that each caucus has a leadoff of one hour. Since the Conservatives presented the motion, they had a whole hour for any one of the huge number of Conservatives here in the Legislature to speak to this resolution, just as the Liberals had an hour, which they completed, and just as we have an hour. I'm not going to get through mine tonight, but that's OK. I'll pick it up and carry on the next time the resolution is called. But what struck me is that this so compelling and important resolution couldn't even attract enough interest from Conservative members for them to utilize all of the hour available to them. They declined to call any more participants in the debate before their hour was up. It has nothing to do with giving more time to the other caucuses. We're each entitled to our time slots.

Having said that, and having listened very carefully from the very beginning of this evening's debate to what members of the Conservative caucus and the Liberal caucus said—as I say, I exclude Mr Guzzo from the criticism I am about to levy—we had the resolution, six paragraphs, expressing concern about the federal government's attempt to shorten some jail sentences for crimes committed by young offenders. What the hell are you talking about? You certainly didn't explain it—none of you—during your comments with respect to the resolution. In all fairness to the federal Parliament, there is no discussion of any reduction of any Criminal Code sentences that are available for any offences currently in the Criminal Code. If you're talking about the adoption of the proposition of statutory remission, why didn't you say so, so we could talk about that? The problem is, you present the resolution and then you're not prepared to debate it. You present a resolution that in itself makes some incredibly bold claims. But in the course of discussion, in the course of the debate, you're not prepared to elaborate.

I read Bill C-3. I trust it was distributed to the members of your caucus, so that you could read it too, in anticipation of this debate. I read the compendium that was prepared by federal bureaucrats, the same way provincial bureaucrats prepare compendia. It's for people who don't want to read the whole bill. You can read the compendium, the explanatory notes. Surely you Conservative members availed yourselves of that compendium the same way I did. Surely, if you're as enthusiastic as you appear to be about wanting to nail the feds on the Young Offenders Act and its successor, you would want to know exactly what it is that's being proposed.

As I indicated to you when the Attorney General made his announcement, his minister's statement, about this pending debate, I said I look forward to it; no quarrel about the fact that there are issues around the Young Offenders Act and its proposed successor bill, Bill C-3, that I was more than eager to discuss here.

You come up with the craziest and wackiest of data and statistics about so-called increases in crime. Let me speak to that. I've got the data from Jurisdat, which is from Statistics Canada, about youth crime and youth

participation in young offender courts, and it shows a 15% reduction in cases in youth court in Ontario since 1992-93. Once again, I understand that that standing by itself doesn't explain a whole lot, if anything at all. But it's certainly far more consistent with the proposition that there's been some, at the very least, modest reduction in the occurrence of youth crime as compared to these gigantic, huge increases in crime that the government members would have us believe the statistics support.

I want to explain that, though, because I understand that it's of no comfort to the victim of a break and enter or an assault or a robbery or any other number of crimes to tell them: "Oh, you were the only one this week. Last year at the same time it was three times as many." It's of no comfort to that victim to tell them that they're part of a reduced statistical base in terms of the phenomenon of crime. But please, let's start with some straightforwardness, some honesty about the issue. It's serious enough by itself that we don't have to paint the lily, don't have to embellish the facts. Crime and its impact on our families, on our neighbourhoods, on our communities, on this province and on this country is significant enough and serious enough that we don't have to embellish it.

I'm not going to suggest that the modest reduction in the rate of youth crime warrants any of us, either provincially or federally, abandoning the issue and going home comfortable and saying: "Everything's OK. We don't have to concern ourselves with it any more." But I resent you pumping up, hyping up, creating phony stats and following that up with even phonier arguments, when you don't have even the most basic understanding of the facts, either the content of the Young Offenders Act as it is or of the content of Bill C-3; or of the fact—please, this might help some of you a little bit—that Bill C-3 received second reading on November 23 of last year and since then there have been hundreds of amendments proposed by all of the political parties represented in the federal Parliament, including the government party, the Liberals. Now, that means New Democrats, and yes, New Democrats have been active in the debate; it means Bloc members have; it means Conservatives have; and it means even people from your party, the Reform Party, have introduced amendments. I've read some of the debate by some of the members of your party in Parliament, by some of Preston Manning's backbenchers in Parliament. I've read some of their contribution to the debate around Bill C-3.

2050

I'm reminded of back in September 1997, because this isn't new. Your Attorney General is not being particularly creative here, he's not being particularly imaginative, he's not being particularly clever or novel. You see, I recall when his predecessor—and let me tell you, this Attorney General is starting to make Charlie Harnick look very good, this Attorney General is starting to make me very impressed by Charlie Harnick. I recall the same sorts of issues being raised by the Attorney General's predecessor. I recall the Attorney General being in the estimates committee. What a wonderful opportunity,

because the Attorney General of 1997 once again was championing the cause to take on the Young Offenders Act. What a delightful opportunity I had, to have him sitting there in front of the microphone and me sitting back there in front of a microphone with the Hansard reporter recording the questions and answers.

Hon Mr Baird: Share it.

Mr Kormos: I shall. You see, the transcript was remarkable. I questioned the Attorney General when the Attorney General was complaining about the entitlement to legal representation by young offenders, how that somehow blocks the process and discouraged convictions. I asked him if he was concerned about legal representation for young offenders. He said, "No, that isn't the problem." I said: "You talked about some of the technical, procedural things that inhibit the police in their investigation and prosecution of young offenders. Do you have concerns about the right to counsel? Is that your problem with the Young Offenders Act, Attorney General of the day?" He said, "No, I can't have concerns about right to counsel." He agreed that every young offender who was arrested or detained had a right to counsel.

I then put to him about the somewhat higher threshold for determining the admissibility of a statement by a young offender. The police have a few more things they have to do with a young offender before they take a statement, before that statement can be what lawyers call admissible in court.

The Attorney General said: "I don't have the legislation in front of me. Police officers have noted that the technical requirements are very onerous." Then I put to him that surely police officers over the course of the last—Judge Guzzo, what, 18 years since the implementation of the Young Offenders Act? Police officers early on were confused, as all of us were. It was new legislation. It was being tested in the courts. It was being tossed around. Police officers surely have become familiar with the requirements. He agreed that, "Well, yeah, that's it."

So it wasn't the onerous standards, but he made reference to a number of other technical requirements: "I don't have the act in front of me, so I can't go through them step by step."

I asked him then, was it the obligation on the part of police officers to have a parent or other adult present? Was that the problem? He said, "I'm not sure of that, but you might want to ask the assistant deputy minister."

Then I asked the Attorney General if he could tell us how many prosecutions have been unsuccessful as a result of failure to comply with those standards. The Attorney General said no. I reminded him that he spoke of there having been a prevention of realistic prosecution on the merits as a result of those standards and asked him for data. He suggested that he arrived at that conclusion merely as a result of anecdotal evidence.

I then asked him, because he said so many young offenders were getting off scot-free, whether he was suggesting that our provincial judges were inappro-

privately discharging people. The Attorney General said: "Well, no. The provincial judges aren't acting inappropriately." I asked him what part of the powers given to a judge to impose probation he had concern with. He then, in his most enlightened response, responded that, "We in the province of Ontario don't have the array of programs to provide community work or those types of diversion programs, so a judge is accordingly limited."

I'm going to join you in suggesting that the Young Offender Act has not been an overwhelming success. Having said that, let's be very careful. Let's understand that the vast majority of young people who appear in young offender court are there for their first and only time—the vast majority. Clearly, a huge number of youngsters who appear in young offender court are there once and once only.

What we should be concerned about—and I've talked to you about this before—are the young offenders who become repeat offenders, the young offenders for whom the process of being arrested and held in detention or custody and having to appear in court in front of a judge wasn't a sufficient deterrent. You see, that very much involves the province, and I'll make some comments about questions that should be asked of federal parliamentarians as they discuss the successor to the Young Offender Act, Bill C-3, and as they debate the 100-plus amendments that are put before them.

The fact is, at the end of the day the success of the Young Offender Act depends, yes, on the nature of that legislation but it depends in a much larger part on whether or not this province is prepared to commit the kind of resources that you need to take young people who find themselves committing in some cases some very serious crimes and ensuring that they're placed in appropriate facilities with appropriate supervision, treatment, rehabilitation and aftercare once they're released from those institutions. Because the reality remains that it's the province that has the responsibility to provide those correctional facilities for young offenders.

Reading C-3, I note that the federal government contemplates increasing the maximum penalties for those most serious crimes, for instance, first- and second-degree murder, for even those who remain in that young offender category. It also proposes liberalizing, if you will, being more permissive in those instances in which young offenders can be automatically booted up into the adult category, again in the case of those most serious offences. I think all of us will agree that those are appropriate and proper changes to the young offender legislation. But you've also got to understand that the vast majority of young offenders are not the ones who were in there for committing murder. Again, that's not to diminish the seriousness of even one young offender involved in that type of serious crime—a homicide or an aggravated assault or a serious sexual assault or even a not-serious sexual assault, if there is such thing. I'm not suggesting that there is.

What we do know, similarly, from the statistics is that 45% of the young offenders in our young offender courts

have been there three times or more. That means we're starting to narrow down the circle of young people with whom we'd better start becoming incredibly concerned and not just from the point of view of "lock them up and throw away the key," because unless they are convicted as adults of first- or second- degree murder, where they receive those adult sentences of 25 years without parole eligibility, unless they're that small group of offenders, those young offenders are going to be released sooner or later.

This province had better start taking its responsibilities seriously. I appreciate the Minister of Correctional Services was interested in appearing, along with his Attorney General and Solicitor General colleagues. Maybe the Minister of Community and Social Services should have been prepared to join them, as that minister still has responsibility for the maintenance of correctional facilities for those young offenders who are under 16 years old. I find it interesting that we haven't heard from that minister because I believe we're the only province left—the Minister of Correctional Services can correct me if I'm wrong—that still divides jurisdiction over incarceration, treatment, the institutionalization of young offenders between the Ministry of Community and Social Services for the junior level, the 12- to 15-year-old inclusive offenders, and the Ministry of Correctional Services for the 16- and 17-year-olds. One of the things it's done is to make it incredibly hard to track young offenders as they go through the system from the very youngest ages of 12 and 13 through into the quasi-adult system supervised by the Ministry of Correctional Services dealing with youngsters 16 and 17 years old.

2100

I'm surprised that in this resolution—again, I'm so naive. How could I have been so naive as to think that this was something other than a cheap partisan bid on the part of this government to try and win a by-election campaign and/or try to play federal politics with an upcoming federal election? So naive of me to believe the resolution could have been intended to generate some realistic or meaningful or serious debate about the role of the federal government and the provincial government in responding to youthful offences, crimes by young offenders, crimes by people under the age of 18. They wouldn't have even acknowledged—my goodness, I'll look again.

One of the concerns that I would have believed this government should have, and I suspect many members of the Legislature have, is the fact that Bill C-3 really doesn't go very far in terms of permitting the public identification of young offenders. I've got to tell you, it would have been so nice if some of you, one of you, had the interest in this issue to stand up and talk about where you stand and what the rationale might be to eliminate many of the restrictions—not a whole pile of the restrictions—on identifying young offenders. You see, I for one happen to believe that the folks in my neighbourhood have a right to know if the 15- or 16-year-old next door or several doors down happens to be a

little break and enter artist. I'm serious. I believe the people in my neighbourhood or my community have a right to know that. For the life of me, by the time a young person is committing break and enters, I don't understand what interest of his, whatever interest, could be served by not identifying him to the public.

The problem is that your resolution doesn't speak to it, nor do any of you when you speak to this resolution. None of you, short of Mr Guzzo, has made reference to the Young Offenders Act or its predecessor, the Juvenile Delinquents Act, or to its proposed successor, Bill C-3, other than to recite like a mantra, like a bunch of little Maoists reading out of the Red Book, the six paragraphs in the resolution and accepting, as if they were somehow gospel just because they're in the resolution, that they have to be true, they have to be the case.

Ms Mushinski: Give me a break.

Mr Kormos: She says, "Give me a break." I'm afraid not tonight. No breaks tonight, because I listened to you as you spent some 10 minutes railing about two adult criminals and their involvement in the federal criminal system and two or three other adult criminal offences, all of which have shocked the public and horrified the public and drawn public concern. But I didn't hear a single reference from you, madam, to the Young Offenders Act or its purported successor, Bill C-3. I didn't hear a single suggestion that you had read a single page of Bill C-3 or, for that matter, that you'd ever bothered reading the Young Offenders Act. I'm sorry, please, if I sound patronizing. I'm just saying I'm sitting here listening to you. You've got to sit here and listen to me unless you want to leave, in which case you can, just like the folks who are watching. If they want to watch—I don't know what's on now. If there's something on the cooking channel, then by all means, people, click to the cooking channel.

But I listened to the government backbenchers during their modest contribution during the first hour of this evening's debate. I heard nothing enlightening or insightful or, quite frankly, anything that reflected the reality. I say that as somebody who was prepared and, as I indicated in response to the Attorney General, ready to come here and participate in some, yes, legitimate criticism of the young offender legislation and of the fact that we had a right as a province—don't we? Of course we do—to discuss that, especially in view of the fact that the province bears a substantial role because the province bears the responsibility of administering the legislation. I'll tell you quite frankly, I was surprised.

One of the concerns that have been raised by members of the federal Parliament—again, this is an observation—is that neither the Young Offenders Act nor Bill C-3 does anything about addressing the causes of crime in our communities. Unlike in the federal Parliament, nobody here has raised concerns—and I'll do it now; it should be said—about the fact that the federal government's most recent budget dedicated but \$206 million over the next three years for all of Canada, all 10 provinces and three

territories—I hope I got the three territories right; I think I did—to implement the reforms contained in Bill C-3.

I don't think anybody here has any real quarrel with the usage or utilization of community placements and alternative diversion programs, but again I find it incomprehensible to hear this resolution and to hear the Conservative backbenchers' comments to the resolution when twice, if not more times now, we've raised the concerns about the group called Intercede in the Oshawa-Durham area, which was volunteer-based but required some modest funding and had that funding from the government until it was cut off recently. It had an incredibly high success rate dealing in a diversion program with young offenders, and with the co-operation of the police and the courts and crown attorneys and families, and at very low cost, was capable of getting some young kids who got themselves involved in the criminal justice system diverted into community-based programs involving all sorts of creative things, some of which this government says it endorses, things like confrontation by their victims, things like reconciliation, things like restoration, restorative justice, where those same young offenders have to devise plans to compensate their victims for the losses that their victims suffered—a very low-cost and very successful program defunded by this government, notwithstanding that I saw the letters of support from the members for that very area in Oshawa-Durham who understood and agreed with the impact of this group of community people operating a program called Intercede.

Here were people trying to do the right thing, because the real issue here is to reduce that number, that 45%, of young offenders who are the repeat offenders in young offender court—that's what the stats tell us—that core, that nucleus. If we don't start dealing with them effectively, they're going to continue to mature, to grow, to become the adult offenders. They're not just going to be the young offender accused, but they're going to graduate from young offender court, junior level, through to young offender court, senior level, for the 16- and 17-year-olds, and then through to adult court.

Another interesting statistic is that as people start to reach the 40s, and sometimes the 30s, they start to slow down and move out of those criminal kinds of lifestyles.

2110

Let's talk about real deterrents. It is common knowledge that the single most effective deterrent against crime is the likelihood of detection. I've met some of them, but short of the very rare criminal, most criminals don't expect to get caught. Many criminals aren't particularly bright, which means they inevitably get caught. But please, most criminals don't expect to get caught, and the single most effective deterrent is knowing that you're going to be detected and apprehended. I don't care whether we are talking about young offender crime and vandalism or break and enters or thefts or drunk driving, you know that the single best deterrent against any of those crimes by any age of offender is the likelihood of apprehension.

Yet what has happened in most if not all of our communities across the province? Indulge me, because I am not as old as Mr Guzzo, but I am old enough, like he is, to remember the regime of the Juvenile Delinquents Act. I am also old enough, like he and a whole lot of other folks here, to remember when police services boards in any number of communities had youth bureaus: police officers whose sole responsibility was dealing with youth crime. I am sure that any one of us who has ever been involved in any way, shape or form with the criminal justice system could tell you any number of stories about the creativity and effectiveness of those youth bureaus in any number of communities, be they big city or small city like I come from. Yet those youth bureaus don't exist in our police departments any more, do they?

Mr Guzzo: Some cities have them.

Mr Kormos: The vast majority of communities in this province haven't seen youth bureaus for a good chunk of time now, because it's expensive, it takes resources. This government, although it wants to talk over and over again about the funding it announced—what was it, three years ago?—for new police officers, has done nothing but reannounce that funding. It hasn't given our police forces adequate resources to develop the speciality and to be able to devote police officers, commit police officers to targeting specific areas of crime. The area of youth crime is one area where youth bureaus, that focused effort—the utilization of seasoned officers who have experience with the community, with the young people in that community, with the schools, with their families—can be incredibly effective at proving the maxim that likelihood of detection is the single biggest deterrent.

You give cops resources in communities like mine, in Welland, Pelham, Thorold, St Catharines, or any other community in this province, to target youth crime activities—it's not hard to create some profiles. The statistics are there. You take a look at what young people tend to do by way of crimes, at least in terms of the initial one—and I appreciate that it escalates. That's why you've got to nip it in the bud. You've got to deal with it promptly, especially for those who are inclined to re-offend, for those who aren't part of that huge majority of young offenders for whom the mere appearance in court is a more than sufficient deterrent; they will never be there again. We're not talking any more about the kid who steals the candy bar from the K mart or the 7 Eleven or whatever it might happen to be; we're talking about kids who escalate into more and more serious thefts; we're talking about kids who get into car thefts, B and Es.

I'm convinced that the greatest majority of break and enters, those types of property crimes, are directly related to drugs and drug trafficking. Why do you think they're breaking into people's houses and stealing their VCRs and their family jewellery and whatever cash might be in the kitchen drawer? I don't have hard data to give you, but I'll bet you dollars to doughnuts right now that at least 80% of the time you've got a drug connection there. Yet where have we seen the extraordinary resources from

this government to provide enough resources for our police services to declare an all-out war on drug trafficking in this province?

We've seen it done in days gone by where, community by community, police forces can isolate and dedicate resources and clean up whole rings of drug trafficking. When they do the bust, when they clean up and do their sweep, you can see everything from the top dog all the way down to, yes, the kids, the young offenders who are out there doing B and Es to buy their nickel and dime bags of whatever drug happens to be being trafficked by that element in that particular community. Those sorts of things work.

If you want to start addressing crime, and I agree about how we have to—how can I say it?—prioritize youth crime, if we deal with it while it's still youth crime, we've got a half-baked chance of depopulating our adult prisons because we're going to see fewer and fewer people graduating into the adult system.

Very briefly, because I've only got around 20 minutes left—I hope it's 20 minutes. The Speaker says I have 10. I understand.

I find it interesting that, once again, in this resolution, as we've heard from this government in the not-too-distant past, there is concern about length of sentences. Again, the data is available to them as to the sorts of sentences that are being imposed. One of the things I hoped would have been debated was the whole nature of youth sentencing. The vast majority of young people don't need any sentencing. The fact that they've been busted, fingerprinted and gone through the whole nine yards, man, they're never going to see the inside of a police station again.

But what do we do with the young people who do get sentences? Mr Conway talked about being in young offender court. I'd suggest to some of you that you spend some time in young offender courts. I don't care where you are—Toronto, Ottawa, Welland-Niagara, Windsor. Take a look at the dockets that young offender court judges are dealing with. They're bloody sausage factories. You've got judges having to process young accuseds at what seems like a mile a minute, judges with dockets that are two and three pages long, judges who are scrambling in such an incredibly compressed period of time with, quite frankly, more often than not so few resources, judges who have to fight the local budgets for the transfer payment agencies that do the psychiatric and psychological assessments in preparation for pre-sentence reports.

I'm very familiar with that process down in Niagara region. Niagara Centre for Youth Care, an outstanding agency which contracts or has the responsibility of providing these assessments of young offenders for young offender courts, has seen its budget restricted increasingly over the course of the last three, four, five years and for whom, as has already been mentioned, there are longer and longer backlogs. There are also limits. There is no more room at the inn.

Mr Guzzo: Under section 96, judges take priority.

Mr Kormos: Yes. But when there is no more room, there is no more room. Then judges find themselves, as this government would have them do, trying to do more with less. Judges find themselves with placements that would be preferable for that particular young offender if that young offender is going to get the treatment and the rehabilitation and the correction that she or he needs if they're going to be straightened out only to be told that there's no room at that inn either. So you move them on somewhere else.

2120

Mr Guzzo: Take a few.

Mr Kormos: Oh no, I've taken a few.

Mr Guzzo: Take the rest of them down to Welland.

Mr Kormos: I'd like to send a few of them to jail. It would be an enlightening experience. There's need for corrections around here. I suggest it to some of your colleagues, not for you and me. Take a look at what's going on, because the Minister of Community and Social Services, who has declined to be a part of this debate so far and who has been privatizing, said: "C'est ça ; au contraire. You had your chance. You didn't use it." This minister, who has completed the privatization—were there any left to privatize?

Interjection.

Mr Kormos: None left to privatize. Then his colleague the Minister of Corrections has precious few young offender facilities left to privatize in his own right, doesn't he?

I look at this government and it's frustrating for me because I share some of their concerns about how young offenders are dealt with in our courts, in our criminal justice system. Yet how can this government cry foul when it has abandoned its own responsibility in terms of the treatment, rehabilitation, correction and safeguarding of these same young offenders? That happens to be a provincial responsibility, one which you have neither accepted nor protected. That's the most important part of the process, isn't it? Once there is a conviction and once that young offender is placed for rehabilitation, it's then your responsibility. It's a responsibility you've abdicated and it's a responsibility you're hard-pressed to blame somebody else for or some other level of government for as a result of your failure.

You see, that's what the debate should be about. The debate should be about the province's role as well. If the province wants to talk about the inadequacy of the amounts budgeted in the last federal budget, I'll be pleased to join you, as I know federal members of Parliament, including New Democrats, have mentioned along with other members of Parliament. They bemoan the inadequacy of the monies allotted for the transfer of payments to all 10 provinces and three territories. We'd better start talking about this province's responsibility to maintain those young offender facilities, both for the younger young offenders below the age of 16 and for those 16- and 17-year-old young offenders. You're the ones with the responsibility to engage in the corrections. The ball is in your court. You can't blame the feds for

this one. It's your ball to carry. You can blame them for lots of things but you can't blame them for your failure in accepting responsibility for corrections, quite frankly, when it comes to all offenders now, adults included, but particularly young offenders.

You guys blew it, and you continue to pass it off to your private sector, which has proven itself incredibly inept, corrupt and with no interest whatsoever in corrections or rehabilitation. That should be the real goal. The goal shouldn't be about how tough and mean you can be; the goal should be about how effective you can be. The goal shouldn't be about how high the fence is going to be and whether there are going to be one or two rows of razor wire; the goal should be about how meaningful that period of incarceration is going to be so that you avoid recidivism, so that you avoid repeat offences. Again, that's where the ball is: very much in your court.

The other concern you should have is about the allocation of resources to get yourself involved, because again that's where the Minister of Community and Social Services has a very distinct responsibility in terms of dealing with 10- and 11-year-olds. Please don't start suggesting—I mean, where do we draw the line? Do you want to start seeing five-year-olds, six-year-olds in a criminal justice regime? The fact remains that the 10- and 11-year-olds we've read about and witnessed becoming involved in activities that, were they older, surely would be criminal very much fall within your jurisdiction, very much fall within your mandate, and you've failed those young people as well.

I'm not prepared to join you in passing the buck in that regard. I'm only prepared to point out that you have a very specific responsibility—you, members of the government—to do more than simply read repetitiously your six-point manifesto drafted by Mr Flaherty in some sort of glaze-eyed mantra, as if somehow—good evening, gentlemen. Good evening, sir. Good evening.

These are the guys who want a pay increase. I read it in the Globe and Mail on Friday. These are the people who want a salary increase. Have you watched the proceedings here tonight, Speaker? These are the people who want even more money. A minimum wage here of \$78,000 a year, and most of these people make at least four or five grand on top of that, if not 12 or 15 or 18, and they want more money. They don't want to participate in debates but they want a pay increase. They're not satisfied with \$78,000 a year and the fact that they increased their pay back in 1996 by approximately 10% shortly after they cut welfare rates by 22%. Incredible.

The Acting Speaker: Thank you. You may have the balance of your time the next time this order is called. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2127.

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1180-2987
e-Print



No. 59A

N° 59A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 16 May 2000

Mardi 16 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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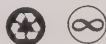
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 mai 2000

*The House met at 1330.
Prayers.*

WRITTEN QUESTIONS

Mr Michael A. Brown (Algoma-Manitoulin): I have a point of order, Mr Speaker, under standing order 96(d).

On December 22, 1999, I asked the Minister of Energy, Science and Technology to provide a full accounting of the mitigation package relating to the "Patten Post" component of the Elliot Lake uranium mine closure. As members of the House would know, the NDP government of Bob Rae broke its solemn commitment to the uranium miners of Elliot Lake and the North Shore, which was to purchase 100% of the uranium from that community. This action resulted in the layoff of 4,000 miners and many others indirectly.

To meet the economic challenge of getting the major industry on the North Shore, the government by order in council required Hydro to do certain things. The obligations have not been discharged. The "Patten Post" hydro project component of the order in council was not built and apparently is not to be built. This action or inaction triggers a compensation package within that agreement.

In December, I asked for a full accounting of this component of the package. The minister has had five months to answer my question. It is a matter, Mr Speaker, of an accountant looking at the books of Ontario Hydro and of the Ministry of Energy, both of which, you would know, have filed their final statements for that year.

It is unacceptable to have an answer not provided to a member of this Legislature, under the standing order, within five months. Mr Speaker, I would ask you to instruct the government, to instruct the Minister of Energy, to reply to this. The fact that he says he will reply on June 22 of this year just means I will have no opportunity to ask him a question about it because, as you know, we won't be back until this fall. Mr Speaker, I need your help.

The Speaker (Hon Gary Carr): Just very quickly, I didn't catch whether that was a written question under our standing orders. It was a written part of it? I didn't know if it was an oral question.

Mr Brown: No.

The Speaker: I thank the member. What we are going to do is check and confirm the facts as he told us. As the member knows, under section 97, "The minister shall

answer such written questions within 24 sitting days." We will check when the question was asked and obviously see if it was followed through. I thank the member for raising the point of order.

Mr Brown: May I point out, Mr Speaker, the ministry on the last day provided an answer which said they would not respond to this question until June 22. I would submit to you they have this information. It's not difficult. That puts me in the position of not being able to ask the minister a reasonable question based on the information that they were to provide.

The Speaker: That's very helpful additional information. I thank the member for the point of order. I will reserve.

MEMBERS' STATEMENTS

PELEE ISLAND FERRY SERVICE

Mr Bruce Crozier (Essex): The residents and businesses on Pelee Island, the most southerly point of Canada, are a hardy group. Throughout the winter, from December till March, the only connection they have with the mainland, and access to it, is through an air service. From that point on, the Pelee Island ferry service is their lifeline.

What started out as a minor inconvenience has turned out to be an economic disaster. It is now 19 days that the Pelee Island ferry service has been interrupted by a labour dispute. A couple of years ago, when I chaired a committee that looked into the operation of the Pelee Island ferry with the objective of having the municipalities run the ferry service, the Minister of Transportation of the day, Mr Clement, said that the province would continue to be responsible for the operation of that service.

It has now been interrupted and, as I said, an economic disaster is looming. The Minister of Transportation, through a government agency, the Ontario Northland Transportation Commission, has the responsibility to get this ferry back in operation. I plead for the Minister of Transportation to take leadership on this issue and do so.

DEVELOPMENTALLY DISABLED

Ms Marilyn Mushinski (Scarborough Centre): I take great pleasure to acknowledge the presence of some very special visitors in the gallery today. They are David

Barber, president, and Keith Powell, executive director of the Ontario Association for Living; June Chiu, president, Agnes Samler, executive director, and Cay Shedden of the Toronto Association for Community Living—Cay is also a constituent of mine and a great friend; Nancy Wallace-Gero, executive director of the Essex County Association for Community Living; Marty Graf, executive director of the Tillsonburg and District Association for Community Living; and Sandy Keshen, executive director of REENA. They are also joined by Donna Britten, and Jesse Flis, a former member of Parliament.

In honour of our visitors, I want to advise members of the government's latest efforts to support people with developmental disabilities in this province. My colleague the Minister of Community and Social Services provided an additional \$50 million this year in resources to provide services and supports for people with developmental disabilities and their families. This \$50 million includes \$30 million in new supports and services.

Again I want to recognize the wonderful people who have assisted us with this program in the gallery today.

1340

MANITOULIN SECONDARY SCHOOL

Mr Michael A. Brown (Algoma-Manitoulin): Mr Speaker, I rise to ask yourself and all members of this Legislature to join me in saluting Mr Rob Cassibo, who is a teacher and the head of the science department at Manitoulin Secondary School. Mr Cassibo is a tireless, enthusiastic volunteer who has inspired students both inside and outside the classroom to science education.

This year, Manitoulin Secondary School will be representing Ontario and Canada at the International Science Olympiad at Spokane, Washington, on May 19. In recent days, the students of MSS teams won big at the Provincial Science Olympiad. Two teams of 10 students each from a very small high school in northern Ontario, on Manitoulin Island, won gold and won bronze. They will be going on this adventure almost as we speak. The students have worked very hard.

I'd just like to quote Mr Cassibo when he was asked if there was some problem getting the students to work hard. He explained that there was no problem at all in finding kids who are willing to stay at school until 11:00 on Friday night and then be back for 11 o'clock on Saturday morning and work for another 10 hours. "All we have to do is unlock the door and the kids will show up," said Mr Cassibo.

I salute Mr Cassibo and those students at MSS.

CORRECTIONAL FACILITIES

Mr Garfield Dunlop (Simcoe North): About 20 months ago, police constable William Hancox was murdered while on surveillance detail at a shopping plaza in Scarborough. The two women who were convicted of this cruel and cowardly act were sentenced to 18 and 16

years respectively at a medium-security correctional facility. Since that time, it has been learned that these two lovers have been living together in jail. What a slap in the face to all victims of crime. Mrs Hancox has lost her partner; her children have lost a father. The killers, however, were allowed to stay together in a nice bungalow, the correctional facility for women in Quebec nicknamed Club Fed. How can a criminal be rehabilitated when they're in the lap of luxury?

When the federal government talks about reforming its prisons, it talks about removing razor wire and guards' firearms, having community kitchens and giving inmates keys to their cells, basically making prisons more comfortable for criminals.

I understand that the two have now been separated, thanks partly to Minister Sampson embarrassing the federal corrections into making changes. That is why I'm proud to be part of a government that understands that prison reform is not about making jails more comfortable but about reducing the return-to-crime rate. Our government is committed to ensuring that criminals pay for the crimes they have committed.

I wish that certain federal government members would realize that there are serious problems in the federal corrections system and quit fearmongering the citizens of Ontario, who are having their system reviewed by a minister who is seeking a corrections system that stresses public safety, security and efficiency, and one that produces results.

VOLUNTEER CHILDREN'S SERVICES

Mr Ernie Parsons (Prince Edward-Hastings): My statement today pertains to this government's lack of support for children's aid society volunteers. One of the lifelines of our society has been the willingness of volunteers to come forward and assist those in need. For many years now, volunteers have worked with our children's aid societies by driving children to appointments, visits or hospitals. They serve as a pillar of support during what are very trying times for these children. To help defray the cost of gasoline and wear and tear on their cars, the agencies have been able to provide them with a small mileage allowance. This recognizes that volunteers should not be out of pocket while assisting this government in serving the needs of their children.

This small financial support is now at risk. The Minister of Community and Social Services implemented a new funding formula for children's aid societies which reduces the funding for volunteer car mileage to zero, zip or nil. These people give of their time day after day to support our most vulnerable citizens. At the very time when greedy oil companies have substantially increased their prices, this government puts volunteerism at risk.

I call upon the minister to revisit this decision. Surely the cost of the Premier's new airplane is not being subsidized by the volunteers of this province. We owe it to our children to ensure that help for them is available.

CULTURAL CLUBS

Mr Peter Kormos (Niagara Centre): Ethnic cultural service clubs are a part of the heart and soul of each and every one of our ridings and communities, but they've come under attack by this government by virtue of their reclassification in terms of taxation as commercial, in contrast to the historical residential status they've had. The regulation hasn't changed. The regulation still indicates that land owned and occupied by a non-profit service organization shall be classified as residential and taxed accordingly.

However, this government's interpretive memo specifically excludes cultural clubs, notwithstanding that they're non-profit. That means that organizations like the Canadian Polish Society, Club Roma, both in St Catharines, the Slovak Hall, the Croatian National Home, Club Sociale—the list could go on and on—are at risk of being literally euthanized by this government because of the huge 200% and 300% property tax increases imposed on them.

It's not enough for the minister to tell communities that communities should, piecemeal, provide tax rebates. It's important that this government understand that with a mere stroke of the pen—no regulatory amendments, merely revising and correcting its interpretive memo—it can permit these halls to survive. It's time for this government to do precisely that.

EDUCATIONAL FACILITY

Mr Bart Maves (Niagara Falls): Last month I had the privilege of attending the official opening of Kate S. Durdan Public School. Last week, Mr Ted Salci, a local community leader, attended the official opening of Loretto Catholic School on my behalf. The common thread between these two schools is that both boards share the same building and facilities. At a time when many changes are being made to the Ontario education system, it is impressive to see a partnership like this in action.

As I walked down the halls and met with students and staff at the Durdan opening, I could recognize and sense their admiration and fondness for their new home. I would like to commend the hard work and co-operation of both Loretto principal Sherry Shuttler and Durdan principal Sandra Stevenson and their teachers. This partnership is the first of its kind in the Niagara region, and I am proud to speak of it today in the House.

Both halves of the new facility were named after outstanding women. Loretto was named after the Loretto Sisters, an order of sisters in Niagara Falls that taught Catholic girls at the Loretto Academy. Durdan is named after Ontario's first principal, Kate Sarah Durdan of Maple Street School in Niagara Falls.

Once again, congratulations to all of those who participated in the creation of the new building. I am confident that continued success will prevail from this partnership and that the students of both Durdan and

Loretto will leave positive marks on their new schools which will last for years to come.

NORTHERN HEALTH SERVICES

Mr Rick Bartolucci (Sudbury): Today in Sudbury health officials are meeting with northern hospital representatives in the hopes of avoiding a health care crisis in our area. We can avoid the crisis if the Minister of Health stops the rhetoric and starts listening to the solutions.

The answer is not the new contract negotiated with the doctors. In fact, the new agreement does nothing for the geographical maldistribution problems we have in northern Ontario. If anything, it makes the problems worse. The region of northern Ontario is 400 doctors short. We have a critical need for 250 specialists in all disciplines. We have a shortage of roughly 150 family physicians. In Sudbury alone we are short 50 to 60 doctors, which means 18,000 people do not have access to a family physician and now will have to go to southern Ontario for specialist care.

The solution in the short term is relatively easy. It is found in the document called From Crisis to Stability. This northern solution will work.

My question to the Minister of Health is, will the minister commit today not only to sending her staff but also to sending the necessary money to implement our northern solution? Minister, you have caused the crisis. Our northern doctors have provided the stability. Northerners want to move from your crisis to our stability. Will the minister listen to the northern doctors and provide the necessary resources to achieve stability? Northerners await your answer.

POLICE WEEK

Mr Bert Johnson (Perth-Middlesex): To help mark Police Week in Ontario, I'd like to inform my colleagues about the safety fair I attended recently at the Lions Community Centre in the village of Thorndale. Organized by the West Nissouri Policing Committee and the OPP, the safety fair helped to increase awareness and recognition of local policing and fire services. It was also an opportunity for local residents to get first-hand information about the different types of crime that are occurring and to learn more about crime prevention initiatives. Local residents also had a chance to witness OPP Breathalyzer tests and demonstrations by the West Nissouri volunteer fire department.

There were a number of groups that helped to make the safety fair a great success, including Neighbourhood Watch, victims services, and the farm safety association. I'd like to applaud the efforts of Ray Chowen, chair of the West Nissouri Policing Committee, for his leadership. I'd also like to recognize the Thorndale Lions and Optimist clubs, Oxford Mutual, Blanchard Mutual and Middlesex Mutual, all of whom helped support the safety fair.

The safety fair demonstrated the value of bringing citizens, the police and firefighters together to help convey the importance of being proactive when it comes to crime prevention and community safety. Please join me in recognizing the West Nissouri Policing Committee for their efforts in promoting safer streets and safer communities.

VISITOR

The Speaker (Hon Gary Carr): Today in the Speaker's gallery we have Mr François Beaulne, who is the member of the National Assembly for Marguerite-D'Youville. Would the members join in welcoming our friend from Quebec.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill, as amended:

Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales.

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1352 to 1357.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.

Newman, Dan
O'Toole, John
Ouellette, Jerry J.

Young, David

The Speaker: All those opposed to the motion will please rise one at a time.

Nays

Agostino, Dominic
Bartolucci, Rick
Bisson, Gilles
Boyer, Claudette
Bradley, James J.
Brown, Michael A.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike

Crozier, Bruce
Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Hampton, Howard
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc

Lankin, Frances
Marchese, Rosario
Martel, Shelley
McLeod, Lyn
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Ruprecht, Tony
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 34.

The Speaker: I declare the motion carried.

Pursuant to the order of the House dated Monday, May 1, 2000, the bill is ordered for third reading.

VISITORS

The Speaker (Hon Gary Carr): Before we begin, in the Speaker's gallery today we have the present regional chair of Ottawa-Carleton, the former MPP Bob Chiarelli, and the members of the Ottawa delegation, including, I believe, the mayor of Gloucester, Claudette Cain. Would all the members join in welcoming our former member.

INTRODUCTION OF BILLS

CERTIFIED GENERAL ACCOUNTANTS ASSOCIATION OF ONTARIO ACT, 2000

Mr Wood moved first reading of the following bill:

Bill Pr4, An Act respecting the Certified General Accountants Association of Ontario.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, the bill is referred to the standing committee on regulations and private bills.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Eves, Ernie L.
Flaherty, Jim

Hardeman, Ernie
Harris, Michael D.
Hodgson, Chris
Jackson, Cameron
Johns, Helen
Johnson, Bert
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn

Palladini, Al
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob

MINISTERIAL TRAVEL ACCOUNTABILITY ACT, 2000 LOI DE 2000 SUR L'OBLIGATION DE RENDRE COMPTE DES VOYAGES MINISTÉRIELS

Mr Bartolucci moved first reading of the following bill:

Bill 77, An Act respecting Accountability for Ministerial Travel / Projet de loi 77, Loi concernant l'obligation de rendre compte des voyages ministériels.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The member for a short statement.

Mr Rick Bartolucci (Sudbury): I'm happy to see that 23 ministers are in the chamber today. I'm sure they all support this. This bill requires members of the executive council of Ontario to submit to the Legislative Assembly or the Clerk of the assembly information relating to any travel by the member on government business to areas outside the province. The information must be submitted within 60 days of the member's return from outside the province.

The information that shall be submitted is a written summary of the purpose of the travel and of any accomplishments resulting from the travel, including a listing of the benefits and terms of tangible investments and employment opportunities that the travel will bring to Ontario, and a detailed statement of all expenses incurred by the member as well as by any staff accompanying the member. In fact, it is a code of conduct for cabinet ministers. If enacted, it would avoid the scandals which are presently found in the ORC.

TILBURY AREA PUBLIC SCHOOL ACT (WILLIAM J. MILLER TRUST), 2000

Mr Hoy moved first reading of the following bill:

Bill Pr18, An Act respecting the Tilbury Area Public School and the William J. Miller Trust.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 86(a), this bill is referred to the Commissioners of Estate Bills.

Motions?

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: When you're into motions, I have a unanimous consent I'd like to request of members of the government and the House. That is that we proceed with the second and third reading of Bill 16, An Act respecting the price of gasoline.

The Speaker: Is it the pleasure of the House that the motion carry? I'm afraid I heard some noes.

STATEMENTS BY THE MINISTRY AND RESPONSES

POLICE WEEK

SEMAINE DE LA POLICE

Hon David H. Tsubouchi (Solicitor General): Today I am honoured to mark the celebration of Police Week 2000. I invite all members of the House to join with me in recognizing the contribution of our police

officers and police services in this province. Police Week is an opportunity for us to say that we care about the men and the women who continue to risk their lives every day to make Ontario one of the safest places to live, work, and raise your family.

We recently honoured our fallen officers by creating the Ontario Police Memorial here at Queen's Park. I'm happy to say that many of us in this chamber were present at that ceremony. As the Premier and I sat there and looked back at the crowd, we were able to see the faces of the families, wives and children who have lost their loved ones who had served in the service of this province, sometimes 15 or 20 years ago. But as I looked back and saw these families crying and weeping to see that their loved ones had finally been honoured, I knew that this memorial was a very worthwhile thing for all of us to have supported. The people who were there had personal memories of all the brave officers who are listed on the memorial. These are our heroes. These are the people who gave their lives in the line of duty.

Recognizing Police Week is yet another way of saying we will remember, but Police Week will also honour today's heroes, the police officers who put their lives at risk every day to protect all of us. Police Week is a time to stop and think about the people who make our lives safe. It's a time to think about the men and women who make it safe for us to drive home to our families every night. It's a time to think about the men and women who protect our seniors—our parents—from scam artists. It's a time to think about the men and women who keep our children safe from sexual predators. Police Week sends a clear message of appreciation to police officers across this province. They need to know that we all care. Colleagues, I know you all care.

This year, Police Week runs from May 14 to May 20. I urge all Ontarians to take advantage of the many special police events and open houses in their own communities. Go out and visit your local police service. Go and meet and talk to the men and women who help make this province safe. This is an opportunity for the public to understand how they can work with the police community, truly work together and truly make this province safe. This is our chance to show that both the people and the government of Ontario appreciate what the Ontario Provincial Police and all the local police services across this province are doing to make our streets and communities safer places to live, work and raise our families.

The Speaker (Hon Gary Carr): Responses?

Mr Rick Bartolucci (Sudbury): Yesterday when the member for Brant, our critic for the Solicitor General, introduced Police Week in the Legislature, he said the following: "To the women and men of our police service, we say thank you. Thank you for the job you do day in and day out. You are appreciated and respected."

"To the families, loved ones and friends of our police officers, we say thank you. Thank you for sharing these noble women and men with us. Thank you for your patience and understanding about the career path they followed."

"To the community partners that help our police service and make their jobs just a little easier to do, we say thank you."

Certainly I am happy to support the Solicitor General, the government, the third party and my own caucus in acknowledging the excellent work our police officers do across the province of Ontario and the country of Canada.

1410

One of the greatest honours and privileges I had as a municipal councillor in Sudbury was to serve as a police services board member. I remember only too well hiring these young, excited officers, these young men and women who were going to serve and protect. I also regret to say that I remember with much sadness the pain of acknowledging the death of Constable Joe MacDonald and Sergeant Rick McDonald from Sudbury, who were killed in the line of duty.

I support this government's initiative in following the federal government's lead in a police memorial, and I acknowledge that the people in my city and region, the city and region of Sudbury, are setting up a memorial for our fallen officers within the region of Sudbury. It is going to be called the Wall of Memories, and it will acknowledge and place in time the fine history of the eight officers who were killed in the city of Sudbury.

But there is much more work to do on all sides of the House, and I plead with the Solicitor General and this government to ensure that there are adequate numbers of police officers across Ontario: in rural areas, in northern Ontario and certainly in southern, eastern and western Ontario.

I plead with the Solicitor General to listen to the northern police services, which are asking for a northern academy of policing to be situated at the Trillium centre in the region of Sudbury. I would suggest to you that our positive responses to those types of initiatives will indeed show that everyone in this House is certainly in favour of policing and supporting our police officers.

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : Aujourd'hui, c'est un honneur pour moi et mes collègues de l'Assemblée de souligner la Semaine de la police de l'an 2000. J'invite tous les députés à s'unir pour reconnaître la contribution de nos agents de la police et des services policiers de cette province.

La Semaine de la police nous donne une autre occasion de démontrer que nous nous sentons concernés par les hommes et femmes qui continuent de risquer leur vie chaque jour pour faire de l'Ontario l'un des endroits les plus sûrs pour vivre, travailler et élever une famille.

La reconnaissance de la Semaine de la police est une autre façon de dire que nous n'oublierons jamais le travail de nos agents de la paix. Cependant, la Semaine de la police rend honneur aux héros d'aujourd'hui—les agents de police qui chaque jour risquent leur vie pour nous protéger.

La Semaine de la police exprimera clairement l'appréciation des agents de police partout dans la

province. Ils ont besoin de savoir que les gens se sentent concernés.

Voici une chance de démontrer que la population de l'Ontario apprécie ce que les services policiers et la Police provinciale de l'Ontario font pour rendre nos rues, nos collectivités et la province dans son entier un endroit où il fait bon vivre.

Mr Howard Hampton (Kenora-Rainy River): I am honoured to be able to mark the celebration of Police Week. I want to invite citizens in local communities across Ontario to attend community events and open houses to mark the celebration of Police Week.

This gives us an opportunity to say thank you to those women and men who work very hard and make sacrifices to contribute to the safety of our community, the security of our community and the safety and security of all of us. It's also an opportunity to create greater understanding of the work our police services do on our behalf.

So I invite not only members of the Legislature, but citizens from across Ontario to take part in the open houses and the community events to mark this important Police Week.

Mr Peter Kormos (Niagara Centre): In my own riding and on behalf of the NDP caucus here at Queen's park, I'm pleased to join with the Solicitor General and all the members of this Legislature as we celebrate together, as people in positions of leadership and, yes, responsibility, the role that police officers, women and men—I tell you, in Niagara we're policed by the RCMP, by the Ontario Provincial Police, by the Niagara Regional Police Service and by the Niagara Parks Police. I know so many of these people and I've known so many who are now retired or who have, yes, left us under circumstances that the Solicitor General refers to and that the memorial here just across the road from Queen's Park commemorates.

These same women and men who serve us and serve our communities are also the same people who are involved in Big Brothers and Big Sisters and in minor hockey and in fundraising events and activities in their communities. They're the police officers who come to our aid when we're in crisis or under attack. They're the police officers who secure the safety of our communities, of our streets and of our neighbourhoods. They're also our neighbours and our friends and our colleagues in any number of activities throughout the community.

I put this to the Solicitor General—and I join with him today in a very non-partisan way—we have incredibly high expectations of our police in this province and across this country, and we, as representatives here at the provincial Legislature and as leaders in our communities, have a responsibility to ensure that our police officers have the tools and resources to do the job that we call upon them to do on a daily basis, 24 hours a day, seven days a week.

Is policing expensive? Of course it's expensive, because we in Ontario enjoy the best trained police officers this province has ever witnessed. We enjoy and are privileged to have not only the best trained but the

most committed and most professional police officers. We also have police officers working in a milieu where the demands and the challenges for police and policing have never been higher.

Please, Solicitor General, let's join together as well in ensuring that our police forces are adequately resourced in terms of staffing. I understand what the government has announced over the course of the last three and four years. But please, I put to you that police forces across this province still remain understaffed and therefore incapable of doing the job that those police services, those police officers want to do for their communities, for the families in those communities and for the neighbourhoods of those communities.

Let's make sure that our police officers have the physical tools. Again, does that cost money? I understand that. Our job is to explain to people in our communities that as taxpayers they can have whatever level of policing they want. But if they want the highest level of policing, and if we're going to give our cops the tools to do their job safely and effectively, and if we're going to build even safer communities, we've got to be prepared, as taxpayers, as members of those communities, to invest in our police services, to invest in our communities, to assist those police officers in doing the job that I am convinced, that I know, they very much want to do.

I look forward to visiting my local police station. Of course, with option four down in Niagara, it costs me 60 bucks a pop. You understand that, don't you, Solicitor General? But at the same time, I encourage all of our community members to co-operate and participate in policing activities during this coming week.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin, in the Speaker's gallery today I am pleased to welcome Mr Jesse Flis, the former member of Parliament for Parkdale-High Park, who is here with members of the Association for Community Living.

Ms Marilyn Churley (Broadview-Greenwood): On a point of order, Mr Speaker: Yesterday marked the beginning of Community Living Week. Today the Ontario Association for Community Living held a press conference outlining issues important to them. I realize that this is short notice, but in view of the fact that there are many people here from the Association for Community Living, I would ask for unanimous consent for an all-party statement to acknowledge their hard work and commitment and to outline the concerns that those people brought forward today.

The Speaker: Is there unanimous consent? Agreed.

I take it the member will lead off and all three parties will go in order.

DEVELOPMENTALLY DISABLED

Ms Marilyn Churley (Broadview-Greenwood): I appreciate this opportunity, as I'm sure the many people

who came down today appreciate it. I understand that it was short notice, and I appreciate everybody agreeing to this today.

As I said, the Ontario Association for Community Living held a press conference this morning. I'm going to outline a few of the things they talked about this morning at that press conference.

1420

They called for a non-partisan commitment toward the community living vision that people with developmental disabilities have the opportunity to live in a state of dignity and share in all elements of living in the community. I cannot tell you how important this is to people.

They also mentioned that the provincial government's recent announcement of \$50 million in additional funding addresses some key issues where there are gaps in support, and they are very appreciative of that \$50 million. Of course, to none of our surprise, they say much more needs to be done to support the developmentally disabled. Thousands of families have raised children with developmental disabilities without much, if any, government funding. Now they are worried their adult children will have few options when their parents can no longer provide for them.

Three parents spoke eloquently about the situation they face and the help they need from government to afford the kinds of support their adult children will need as their parents age. There are more than 1,200 people currently housed in institutions, all of whom are able to live in the community and should have the opportunity. We need government support to do this.

Service agencies are struggling to deal with increasing demand for services to absorb new administrative costs and to attract and keep quality front-line workers. As I outlined in my member's statement yesterday, wages are 25% lower than they are for workers in similar sectors. These wages absolutely have to increase in order to keep the good staff they have now, as well as maintain affordable training costs, because training costs are very high, with the staff turnover, and we have to put a stop to that. One parent said this crisis will last for 20 years, as baby-boom adult children living with developmental disabilities experience the aging of their parents.

Today's parents are the first generation of parents to patriate their developmentally disabled children into the community and keep their children at home. This is a generation that has seldom asked the government for anything, and now they need our help. One parent said, "I would like to know what happens to my daughter if something happens to me." I believe she expressed the sentiments of all the parents who are with us today and of those who aren't.

Funding for these basic needs should not be dependent on the goodwill of the government of the day. They called this morning—and I echo the recommendation—that a single allocation of money is not the answer. They recommended, and I recommend, creation of a permanent planning body that will look ahead into the needs of the developmentally disabled.

In closing, I certainly do not stand today to turn this into a partisan issue. I think we would all agree that the workers who work with the developmentally delayed and their parents have done a tremendous job, mostly on their own, the workers with low pay. We're reaching a crisis now, because as the parents age, they're worried about their children. I think we should all try to work together to fulfill the recommendations that were put forward today. On behalf of my caucus, I would like to say thank you very much for all the wonderful work you have done and for coming down today to share your thoughts with us.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I, like my colleague from Broadview-Greenwood, would like to take the opportunity to welcome our guests from the Ontario Association for Community Living: the clients, the people who dedicate their lives to serving their clients and the parents and volunteers who make an outstanding contribution to making community living work in Ontario.

Those of us on this side of the House perhaps see a smaller role for government, that on occasion government perhaps overreaches and tries to do too much. But providing services for people with developmental disabilities is indeed an important responsibility for government to take an active role in, and an important priority for this government, this minister and this caucus.

This government increased support in this area by \$35 million last year, when my predecessor, the Honourable Janet Ecker, announced new funding, and this was followed up by new additional funding of \$50 million beyond that \$35 million, which was announced last week and which will be added to the base budget of the developmental services envelope served by the Ministry of Community and Social Services.

These supports will go to meet a host of challenges, some of them enumerated by my colleague from Broadview-Greenwood. There is obviously a tremendous need for residential supports, to support an aging group of men and women, in some cases 75 or 80 years old, who have provided supports to their children, and later adult children, throughout their entire lives, and who want the ability to go to sleep at night with peace of mind, knowing that when they are no longer able to care for their loved ones, support services will be there for them. I do not believe that is too much to ask, and the announcement we made last week will allow even more services and residential supports to be available for these individuals who have made a tremendous contribution to our province and indeed to the lives of all their family members.

Part of the announcement last week provides additional support for day programming for 21-year-olds leaving our school system. Transition planning is obviously something that is incredibly important. But there have to be more opportunities for young people as they leave the school system, and this government has certainly accepted that call for action. It's something

where we certainly can do more and will do more with the announcement.

The member opposite mentioned the people who work with people with developmental disabilities on a daily basis. Throughout my travels around Ontario, whether it's visiting the St Catharines Association for Community Living, visiting the Sudbury Association for Community Living, looking at organizations in my own hometown in Ottawa-Carleton, whether it be the Ottawa-Carleton Life Skills or the Ottawa-Carleton Association for Persons with Developmental Disabilities—everywhere I have gone, I have been tremendously impressed with the dedication and the amount of energy that this committed group of men and women bring to their task every day. These aren't people who have a job, these are people who have a vocation, and I certainly share the strong support that has been mentioned for them. Part of the announcement last week provided some additional money to deal with the wage pressures, and I'm the first to acknowledge that is a big challenge within the broader public sector.

We are also providing new funds to help meet the challenge of the fire code. There are a number of changes being proposed and that are ongoing, and this poses a tremendous burden to the developmental services sector and community living. There will be new monies to help address that challenge, and that is something we'll be moving quite expeditiously.

In addition, the announcement provided more funding for the special services at home program. This program is undoubtedly one of the most popular in government, certainly the most popular within my ministry. Visiting St Catharines, as I did last summer, I had the opportunity to sit down with one board member of the St Catharines Association for Community Living who told me about the incredible difference that a little bit of special services at home funding has made in the life of her daughter. She went on and told me about the difference it had made, and I was really quite taken aback to realize that such a small investment could provide such a considerable benefit, not just for that individual but indeed for their whole family, and that's something I was able to take away.

Finally, I'd like reiterate this government's, and I think the three or four previous governments', strong commitment to community living. Community living has been an outstanding success over the last 25 years. If you look at the number of policy changes that have gone on between this government and the previous two governments, the fact that ongoing support for community living has existed speaks volumes when all three political parties and all three governments can indicate, not just by our promises and by our rhetoric but indeed by our actions, that we have advanced community living. That's something that I would on this occasion, at this opportunity, like to indicate our strong commitment to continuing, to provide more opportunities for community living in the province of Ontario.

I'm pleased to say that my colleague the member for Scarborough Centre, Mrs Mushinski, will host an

opportunity for all members to meet with representatives and individuals from the Ontario Association of Community Living after question period. That's certainly an opportunity I'll take advantage of.

Mr Gerard Kennedy (Parkdale-High Park): I was pleased to play a small part in that non-partisan access today to the issue brought to us by the Association for Community Living and to the people who are part of that concept of community living for the people among us who may need to be recognized, as one of the parents put it today, as differently abled. They brought to us a challenge that not only should be non-partisan but which we should be able to firmly grasp. We're being told of something that most of us have not had to know about. A generation, the first generation, of parents who have kept children who are differently abled, with special challenges, at home for quite a long time, for a good part of their adult life—such as two of the children we met today, 40 and 46 years old—are saying to us: "We've done what we can. It's time for these children to leave home. We have looked after them. We have done that with love and respect." I think we need to pause a bit on that. We are part of a generation that was somehow able to encourage those parents to do that, but they're now saying they've put in that contribution, that inestimable amount of love and support, seeking and believing that we would be there—the rest of us, and us in our elected roles here today in particular, in specific—when they needed us.

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They have saved us, in the deferred costs of what in past generations would have been institutional spending on these children, untold millions of dollars. But they are hitting a certain wall of strain which does not show as weariness with their responsibility but rather as the reality of the age of these parents and the implication that they need to be taken up by the rest of us. They want—and I think it's a reasonable request to my colleagues in the House, and I'm sure that everyone here that reflects can agree—to age free from the anxiety, the worry of what's going to happen to their children. Today that has been presented to us. I'm hoping we can embrace that in the spirit in which it is brought.

Essentially, we have heard of an understanding that is starting to develop in this House around this responsibility, our responsibility. This is not just some special social service that's required. This is the other end of an obligation that has been put off. My leader has raised aspects of this question in the House before, as have the member for Windsor-St Clair and the member for Elgin-Middlesex-London, and I know all my colleagues in various parties of this House share this concern.

What we had brought to us today is not just that sense of responsibility but also something of an answer. Today we heard from the parents and the representatives that they would like us to respond to their needs in the form of a permanent planning body that would actually deal with the 1% of children born who are going to need some lifelong support, and that we, on behalf of the rest of

society, pick up the rest of that challenge. In recognition of the effort that was made today, the very dignified, quiet and maybe even understated way we heard from them in their media presentation and that I'm sure we'll hear in the reception sponsored by the member opposite—we've heard from them that this needs to start. It needs to start with us. We need to recognize what Jean Vanier says about the people among us whom we sometimes will characterize as the weakest. It's the only way we as a community can be strong: by stopping long enough to listen and learn from them. I acknowledge and applaud the Association for Community Living for bringing that message to us today. I know my colleagues and I will be listening.

ORAL QUESTIONS

HEALTH CARE

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Premier. Last week the confidence of millions and millions of Canadians was shaken when it comes to the future of medicare in Canada. Notwithstanding the overwhelming opposition of the people of his province, Ralph Klein rammed through Bill 11. I have had the opportunity since to speak to many Ontarians who are expressing some real concerns about the future of medicare in our province. They are seeking your assurances today, Premier. Will you stand up and guarantee that you will not follow Alberta's lead? Will you tell us that no private for-profit hospitals will be permitted to open in Ontario under your watch?

Hon Michael D. Harris (Premier): I think we've been very clear that our goal and our commitment are to strengthen the public hospital system. We have several billions of dollars on the table to do that. It's unfortunate that 10 years of neglect under the Liberals and the NDP have forced this kind of catch-up in the public health care system, but certainly every nickel we have put into the expansion of emergency rooms, of hospitals, has been in the public system. Quite appropriately those hospital boards, the volunteers of the public hospital system, have indicated the strength of our commitment and their thanks that finally, after 10 years of being neglected, they found a government willing to build the public hospital system again.

Mr McGuinty: I am sure you will note that I put to the Premier a very direct and straightforward question. It's a question that is weighing heavily on the minds of Ontarians, and he did not answer it.

Premier, if you look at the record here, what you are presently contemplating in Ontario is delisting another \$50 million of medically insured services. That's a total of \$100 million so far under your watch that you have removed from under the umbrella of medicare and told Ontarians that it's up to them now to pay out of their pockets. I'll give you another opportunity, Premier: Will

you be following Alberta's lead? They've managed to exploit some kind of a loophole. What Ontarians want to know now is, will you be following Alberta's lead, and can you please assure us that no private for-profit hospitals will be permitted to open in Ontario under your watch?

Hon Mr Harris: I think our commitment has been very clear. You have seen in our response to any questions of this nature no interest in bringing forward any permissive legislation. In fact, all of our efforts have been to support the public hospital system.

I might add that I'm a little confused by your question. I have Elinor Caplan, a former Minister of Health under the Liberal government, saying this in 1993: "We're seeing the NDP force the private sector out of the delivery of health care, all in the guise of health reform." She says, "I want to say to the minister"—the NDP minister—"that I believe there's a very important role for the private sector to play in the delivery of health and social services."

Then I have a quote from Gerard Kennedy, who was advocating the delisting of health services. He says, "We want to make sure that we take some of the non-essential stuff out of the health care system."

That seems to be the Liberal Party position.

Mr McGuinty: Premier, it's obvious you are not going to grace us with an answer to the very straightforward, very simple and very direct question. You can quote others at length, but I'd like to be able to quote you when Ontarians ask me where you stand on this important issue.

I'll tell you why I am particularly concerned, Premier: because of something you have already done. In 1996 your government changed an Ontario law that protected Ontario's health care system from those who would profit from our sick. That's Bill 26. You removed a clause in Ontario law that said, "Preference should be given to health facilities that are operated on a not-for-profit basis." You've already opened the door. We already have on our books in Ontario the equivalent of Bill 11 as a result of your actions. Now we want to know whether you're going to walk through that door, whether you're going to follow Ralph Klein's lead, or can you provide us with an assurance today, here and now, that on your watch you will never permit for-profit hospitals to set up shop in Ontario?

Hon Mr Harris: As I indicated, I've answered the question very directly on two occasions and I've answered it to the people of Ontario. I think the Leader of the Opposition, if he wishes to hear the answer, would understand why I might not trust him to explain to the people of Ontario my view on health care. I think I am quite capable of doing that myself. I did so in 1995 and I did so again in 1999. I will be very proud to lead this party and do so in 2003 or 2004 and again later on towards the end of the decade.

Interjections.

Hon Mr Harris: But I might say I am a little bit surprised both in the yelling and screaming and

interjecting and in the question to hear a party whose health care critic and former minister, and now former health critic—I think he's the critic for education now—Gerard Kennedy says "delist services." He says: "There is a role for the private sector. There has been for"—

The Speaker (Hon Gary Carr): The Premier's time is up.

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ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): My question also is for the Premier, but we'll take it from your non-response that you are in fact intending to follow Ralph Klein's lead. That's all that means to us.

Premier, we have uncovered yet another Tory land scam. This sorry saga continues to unfold day in and day out. Here are the latest details of the latest deal.

In 1993 the real estate market was relatively inexpensive and there was a property at Jane and Steeles that was sold to a developer for \$2.15 million. There was proper tender and appraisal. Three years later, in 1996, the American economy started to heat up, which meant our economy started to heat up, and the exact same property was sold for just \$1.3 million. Let me make that clear: In 1993 the property sold for \$2.15 million. That deal fell through. The government had it still in its hands in 1996 and sold it in a more expansive economy for \$1.3 million. In 1996 the property should have been worth more, not less. Can you tell us why it was in the interests of taxpayers that a government property that was worth \$2.15 million in 1993 was sold for \$1.3 million in 1996?

Hon Michael D. Harris (Premier): The minister will answer.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): The Leader of the Opposition knows full well that we have called the police in to investigate certain allegations that were uncovered that may or may not be criminal or fraudulent in nature. That's the role of the OPP. We've also called in an independent audit team to review past sales and that's what they're doing.

Quite frankly, I was shocked when your colleague the member for Eglinton-Lawrence outlined your policy on the Michael Coren show. He said, "We're not forwarding information to the authorities." Why are you not forwarding information to the authorities?

Mr McGuinty: Minister, maybe you can at least try to give me a straight answer on this issue. This scandal, by the way, doesn't stop with the price. The buyer of this property was one George Damiani. This is another special deal for another special friend of the Tory government in Ontario. This is the same guy for whom you helped turn a cemetery into a gold mine which is going to enable him to score a \$25-million profit when all has been said and done. But in this particular deal you gave your Tory friend the land for barely half what it cost when the market was at its lowest three years before. It originally sold for \$1.3 million. That deal fell apart. You got the property back again. You sold it in 1993 for less

than that. This is another special deal for a favourite friend of the Tory cabinet. Once again, taxpayers' money is going up in smoke. Minister, how can you justify this as being in the interests of Ontario taxpayers?

Hon Mr Hodgson: Mr Speaker, as you know and the members of this House have become accustomed to hearing, quite often the Liberals' research isn't accurate. If it didn't close, it didn't sell. Nevertheless, frankly, why don't you turn this information over to the authorities? You know that we have called the police in. We have independent auditors and they will get to the bottom of it.

Mr McGuinty: Minister, there are two things in common between the first cemetery deal and this second cemetery deal: (1) your Tory friend is making a killing at taxpayers' expense and (2) you're involved in both of these deals. In the 1996 deal, the deal that I'm talking about today, a conservation authority prepared this deal. In 1996, you, Chris Hodgson, were the Minister of Natural Resources. This deal could not have gone forward without your approval, according to the conservation act. Now, this could be a coincidence, I guess, it could be an accident, if it happened just the once. But twice the same buyer, the same obscene profits. That makes it a habit, Minister. It's not just a coincidence. It's not simply an accident. It has now become a habit. Once, an accident; twice, a habit.

Minister, I'm asking you, why is it that you continue to maintain that you are always acting in the interests of taxpayers when day in and day out we stand here in the Legislature and demonstrate the exact opposite?

Hon Mr Hodgson: I would encourage the Leader of the Opposition that if he has what he believes to be evidence of something that's not in the interests of taxpayers, he turn that over to the proper authorities. That's why we have the police involved. That's why we have independent auditors. I would encourage him to do that.

MEMBERS' COMPENSATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Earlier today you were asked by members of the media if you believed that increasing the salaries of MPPs was a good idea, and you indicated yes. My question is this: At a time when hospitals in Ontario have a \$1.8-billion deficit and your government seems to have no plan to deal with that, at a time when you're delisting \$100 million in health care services, privatizing them; at a time when health care workers across the province have been told by your government that they should expect nothing more than a 2% increase, many of whom have not had an increase in six years; in that context, Premier, can you honestly tell me and can you honestly tell the people of the province that raising MPPs' salaries ought to be a priority?

Hon Michael D. Harris (Premier): I think I was responding to the legislation that required, once the books were balanced, which, I might add, is the first time for a real balanced budget—

Interjections.

Hon Mr Harris:—that the Speaker was compelled to call in an independent agency to review the MPPs' salaries.

We may be a little late in this—and I apologize—and the Speaker may have been a little late, but he didn't have all the facts and the information, because when the budget was delivered, in fact, we found out the budget had been balanced two years in a row, the first time in over 60 years. So I can't fault the Speaker. First of all, I would never do that anyway, but you cannot fault the Speaker or the Legislative Assembly, for as soon as they were aware of the balanced budget they were automatically compelled to trigger the review. I believe that is what is happening, and that's what I responded to.

Mr Hampton: Premier, you may wish to tell people that everything is in balance and in fine order, but we've had three independent reports now which indicate that child poverty is at a higher rate in Ontario than ever before, that child poverty is growing faster in Ontario than ever before. We know that there are school boards in Ontario that are faced with a situation of having to lay off teachers and special education assistants this year. We know that Ontario now has the worst environmental record in North America, except for Texas. Are none of these things a priority? In this context, how can it be a priority to raise MPPs' salaries when all of these very pressing issues in our communities—the health care system, the education system—don't seem to warrant attention by your government?

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Member take his seat. Order. I can't hear the question being asked, and I need to hear it. I apologize to the leader of the third party.

Mr Hampton: Again I simply want to ask the Premier: When all these other issues don't seem to be a priority for your government, how can it be a priority to raise the salaries of MPPs?

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Hon Mr Harris: As the member would recall, when we took office, inheriting an \$11-billion deficit and a substantial deficit in funding for children's programs, for education, for hospitals, we indicated that our first priority was a 5% cut in pay. We indicated further that there would be no increase in any MPP pay until the books were fully balanced. You also know that we took our time balancing the books because we had a jobs deficit that we inherited from you and we considered billions of dollars into health care, children's programs and education more important or at least equally as important as balancing the books. We considered jobs equally as important as balancing the books.

Our record on our priorities over five years in government has been very clear. And yes, today I did respond to the automatic trigger that the Speaker enlist the services of a consultant to review MPP salaries. They have not been raised for nine years, and we did take a 5% cut under your government and a 5% cut under our government. So I think our priorities are clear. It has been health care—

The Speaker: Order. I'm afraid the Premier's time is up.

Mr Hampton: Premier, you can try to disguise it however you wish. We have people who work with the Association for Community Living here today, whose salaries are 25% below where any neutral observer, any neutral arbitrator believes they should be. Your Minister of Labour yesterday said that he believes it is appropriate and proper that the minimum wage be frozen in this province for five and a half years, as it has now been. It's now well below the minimum wage of our major trading partner, the United States.

Premier, how can it be a priority to increase the salaries of members of the Legislature when we have workers in the education field who have not had an increase in a significant period of time, when we have health care workers who are leaving the province and leaving the profession because they can be paid more elsewhere and are certainly deserving of a raise? How can this be a priority over all of those pressing health care, education and community services which have not received a raise—

The Speaker: Order. The member's time is up. Premier.

Hon Mr Harris: I think today we are third in our minimum wage, very close though to Quebec, right beside us, at \$6.90. We did indicate that we thought we should wait and let others play catch-up to get to our highest rates in the province.

But I'm a little surprised at the member's question, because I recall very clearly, right after the election of 1995, I had given you my priorities. They were health care, education, children, jobs. You called me right after the election. Your priority to me wasn't children, wasn't health care, was not the Association for Community Living, was not jobs. Your first priority was: How can I get party status so I can get more money?

2008 SUMMER OLYMPICS FUNDING

Mr Howard Hampton (Kenora-Rainy River): My next question is also for the Premier. The reason the party status is important is so that I can ask you these questions on behalf of the public out there who want to know the answers. We note with interest that you have appointed the Deputy Premier and Minister of Finance to be the minister for the 2008 Summer Olympic Games in Toronto.

My question concerns the investments listed in the Fung report. Mr Fung lists a long assortment of roads, transit, cleanup of the port lands, construction of housing, which would be required to put on the Olympics. Then he lists a multi-billion-dollar price tag for these things.

We know that you're going to be running ads promoting the Olympics, but we haven't seen a financial plan from you yet on how you're going to pay for the Olympics. Our concern is that after the Olympics are over, the hard-working taxpayers would be stuck with paying for those costs.

I want to put forward a proposal today. We propose that you create an Olympic lottery to ensure that there is money available to pay for the cost of this infrastructure—

Interjections.

The Speaker (Hon Gary Carr): Order. Stop the clock.

Sorry for the interruption. The leader of the third party may continue.

Mr Hampton: Premier, since you haven't put forward a financing plan for the Olympics, we propose at the very least that you put forward an Olympic lottery so that the taxpayers of Ontario will know there is some initiative to raise the capital funding that's necessary and they can have some assurance that they won't be stuck with picking up the costs after the Olympics are over. Will you do that, Premier?

Hon Michael D. Harris (Premier): The leader has indicated that the reason he wanted party status wasn't for his own salary, which he kept, or his limousine, which he kept, and the other perks that went along with it; it was so he would have research to be able to ask these questions. I have to tell you, your research department is wasting the \$2 million we're giving them through party status if this is the best you can do with questions to us today.

I would like to say, in response to the Fung report, that we are in negotiations, with Fung of course, with the city of Toronto, with the federal government, to come up with a joint response for the infrastructure. As well, on the Olympic funding, I'm a little surprised you are suggesting we cannibalize our existing lottery money, which goes to support the Association for Community Living, health care and children in the province.

Mr Hampton: Premier, all we've heard from your government so far when you've been asked about funding to cover the cost of the Olympics is a mention of more toll roads or perhaps a casino. I'm putting forward the idea of a lottery because if, as we're told, there is broad public support out there for the Olympics, then for sure there should be broad public support of this kind of funding mechanism, a funding mechanism that people can take part in voluntarily and that we estimate, from looking at the other lotteries, could raise over \$1 billion.

The problem is this: All of these things have to be built well in advance of the Olympics and they have to be paid for. If you do not have a financing plan now for the cost of these things, the fear is that taxpayers will be stuck picking up the cost. I'm going to send you over, for example, some of the design work that people have done. If you're not prepared to support an Olympic lottery, will you tell people what exactly you have in mind as a financing plan for the Olympics so that hard-working taxpayers aren't stuck picking up the costs?

Hon Mr Harris: Mr Speaker, I don't know if I can refer the question to the member from St Catharines. I see the member has passed over some tickets. I had somebody give me a gift like this once that they'd already scratched before they gave them out. There are

people who give gifts like that when they give out lottery tickets.

There are two very exciting projects on the horizon that I would think all members of the Legislature would be supportive of, including those outside of Toronto. One is the over 30 years of studies on Toronto's waterfront neglect, never seeming to get the federal, provincial and municipal governments all together at any one time. I'm very proud to be part of a third partnership where all three of us are working together finally, once and for all—maybe it's because we're a party that cares about Toronto, our capital city, I don't know—where we can finally do something for Toronto's waterfront, for traffic, for transit, for roads. We are looking at that proposal with the federal and municipal governments—

The Speaker: Order. Unfortunately, the Premier's time is up.

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ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. I want to return to another ORC deal, another land scandal. In 1996 you sold the Bark Lake Leadership Centre to your fishing pals, Bob and Wayne Izumi, for just \$2.85 million; plus, you gave them a sweetheart mortgage, the likes of which I have never ever heard of. Not only did you not have them pay a cent down, you gave them \$20,000. They bought the land for \$2.85 million and you gave them a mortgage back for \$2.87 million. You paid them \$20,000 to take the land off your hands. I'm not sure what kind of a lure the Izumi brothers were using that day, but one thing for sure, you took it hook, line and sinker. They reeled him in, Speaker, they landed him in the boat and, for all I know, they've got him mounted over their fireplace. Maybe that explains where he has been six days a week.

Premier, why is this deal in the interests of Ontario taxpayers?

Hon Michael D. Harris (Premier): I think the minister can respond.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): The Leader of the Opposition knows full well that we've called in the police. We've also got independent auditors reviewing it. Quite frankly, I was shocked and I'm sure the people of Ontario were shocked when your colleague let your strategy out of the bag. He said, "We're not forwarding information to the authorities."

Interjections.

The Speaker (Hon Gary Carr): Order. I can't hear the answer. Stop the clock. I need to hear the answer, please, if the members would indulge.

Hon Mr Hodgson: When the member for Eglinton-Lawrence was asked why the Liberal Party did not have confidence in the OPP to investigate, the member made the comment that OPP investigations are done behind the scenes. This side of the House does not believe in kangaroo courts. You're using whatever scraps of in-

formation you can without turning over the information to the proper authorities, which is the proper thing to do. I'd just ask that if you have this kind of information, you turn it over to the authorities.

Mr McGuinty: Is this the very best they can do over there? We've got these rotten deals being uncovered throughout the province of Ontario, and they tell us that the matter is under investigation, they had nothing to do with it and they're now trying to tell us over here that somehow we're keeping evidence from the police. You're the government. You authorized all of these deals. It has nothing to do with us; it has everything to do with you.

Let's take a look at the specifics of this most delicious deal one more time. You sell the land for \$2.85 million, but you give a mortgage back for \$2.87 million—unheard of. You, minister, when asked to comment on this deal—and you failed to mention this in your answer a moment ago—said, "The deal stinks." You said that. You said it was a terrible deal. You said this deal should never have gone ahead. You're the guy in charge, and you said it stinks. Industry experts say this deal stinks as well.

Minister, this deal stinks. You said that. You said it stank. You said that. If it stinks so much, why—

The Speaker: The member's time is up.

Hon Mr Hodgson: I appreciate the question. As the leader of the Liberal Party knows, as warden of Haliburton county and as an opposition MPP, I was concerned about the local job impact of the NDP government's decision to close the Bark Lake facility. It was the NDP decision which I opposed. My words were poorly chosen, and I did not mean to call into question our government's decision. I apologize to the reporters for my poor choice of words.

For the last five years that our government has been in office, we have tried to ensure that the taxpayers' interests are well served. We've acted on those interests. In fact, the purpose of the audit that we've asked for—

Interjections.

The Speaker: Member take his seat. I can't hear the answer. Member for Windsor West, this is her last warning as well. I can't hear when she continues to shout across at the minister. I can't have this. Just so she's clear, this is her last warning.

Hon Mr Hodgson: We've said many times that we look forward to the auditor's findings. That way we get to the bottom of it with all the evidence. Quite frankly, this party has brought forward accusations week after week that even the Globe and Mail has gone to great lengths to show—

Interjections.

The Speaker: Member take his seat. The member for Hamilton East, that is his last warning as well. New question.

RESEARCH AND DEVELOPMENT

Mrs Brenda Elliott (Guelph-Wellington): My question today is for the Minister of Energy, Science and Technology. In a recent gathering with local business

people in my riding, the conversation obviously turned to the great initiatives in our most recent budget, delivered by the Minister of Finance. In particular, the topics that came to mind were initiatives our government is taking to prevent brain drain and to make sure Ontario is competitive in the global marketplace. We all agreed that one thing that is very important to Ontario's success in the future is to ensure that we have researchers and top-notch research facilities. In fact, we were paid a wonderful compliment by a very important member of my constituency, the Honourable Bill Winegard, who said, "I see a lot of programs, Minister, but Ontario has got it just right."

We have programs like the research and development challenge fund and the Premier's Research Excellence Award. What these do is help researchers by recognizing their accomplishments and directly assisting them in making the transition from scientific discoveries to commercial enterprises and opportunities for economic growth.

The budget indicated that the Ontario Innovation Trust fund is going to be tripled. I'd like to get your advice on how that Innovation Trust fund will work with both the research and development challenge fund and the Premier's Research Excellence Award.

Hon Jim Wilson (Minister of Energy, Science and Technology): Thank you to my colleague from Guelph-Wellington for the very important question.

The Ontario Innovation Trust, the Ontario research and development challenge fund, the Premier's Research Excellence Award and the skills development fund of the Ministry of Economic Development and Trade all combine to bring a very powerful boost to the research and development capacity of this province, and it's part of the government's jobs agenda.

In fact, of the 138 projects and almost \$200 million spent on new facilities and new equipment and rehabilitating our labs and research institutions under the Ontario Innovation Trust fund to date, about 138 projects have been funded, and they have created 828 new jobs for young scientists in this province, jobs that didn't exist a year ago. We're very proud of the fund.

That's complemented by the Ontario research and development challenge fund. It's a \$500-million fund, the largest of its kind for any provincial government in Canada, and its job is to help us reverse the brain drain and attract back those Canadians who for reasons over the years, a lot to do with lack of adequate public funding, have found themselves in the United States. We've attracted dozens of those researchers back and we've very proud of the research capacity—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

Mrs Elliott: I've seen first-hand the remarkable results of the investments in the Ontario Innovation Trust. My riding of Guelph-Wellington, and particularly with the University of Guelph, is known as an agricultural and food technology centre. In March we received in my riding an investment of \$12.5 million,

which will fund nine various programs, everything from food quality and safety to animal health. What's really interesting is that we now have a new building being built on the university campus that will make the University of Guelph a forerunner in space science, both in air and in plant-growing technology in space. These are very exciting things for my riding and for the province as a whole.

I wonder what the Ontario Innovation Trust will be doing in other ridings all across Ontario that stand to benefit from this kind of exceptional program.

Hon Mr Wilson: On a per capita basis, the province takes a back seat to no other government, including the federal government, with respect to the investment we're making in research and development in the province.

The Ontario Innovation Trust and the examples the honourable member just gave are exactly the type of thing we're trying to do. As the Premier reminds us, as a cabinet and a caucus, we're trying to recession-proof ourselves. Those economies that come up with the next medical discoveries in pharmaceutical drugs and the next treatments and indeed the cure for cancer, as have been challenged by us through the budget from the finance minister for prostate and breast cancer, those that come up with the next palm pilots or blackberries, those that come up with the next computer language or the Windows 98 platform, the successor to that, Windows 2000 and beyond—and we have that capability around Guelph and Waterloo and in Canada's scientific triangle—those that come up with the next biotechnology products, will be the economies that will do the very best as we see, which inevitably will occur, somewhat of a downturn in the North American economy and in the world, hopefully in many years' time, but we have to prepare for that.

The finance minister, through his foresight, is preparing our young researchers to reverse the brain drain and to make sure that we are the economy that comes up with those discoveries.

1510

HYDRO RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Finance and it concerns economic forecasting for the next six to 18 months. I read with much interest your recently presented budget with the attached budget papers. My question to you today concerns hydro rates. Few things are as important to the economic and social well-being of Ontarians as hydro rates. The Minister of Finance has over at treasury a lot of very able people who forecast inflation and a variety of other key factors that make up the economy going forward.

To the Minister of Finance, I want to ask a very direct question: What can you tell us is your expectation going forward for the next 18 months, but particularly for the calendar year 2001? What are your forecasters at treasury telling you that we can expect in residential, commercial

and industrial electricity rates here in the province of Ontario?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): I think the Minister of Energy, Science and Technology can answer.

Hon Jim Wilson (Minister of Energy, Science and Technology): I appreciate the question, because it gives me an opportunity to remind our municipal partners that they have a very significant role to play with respect to the future of hydro rates in this province. I want to say very clearly that everything the Minister of Finance, the Minister of Energy and this government have control of with respect to rates, whether it be the transmission charge or the debt repayment charge, which is currently built into hydro bills and people have been paying it for years—you'll see an announcement soon that the Minister of Finance is very sensitive to keeping rates down, and he's going to do the best he can to keep that debt, that charge, as low as possible, in fact probably lower than what consumers are paying today. So that's one component.

The next component is debt. We've paid off \$3 billion of Hydro's old debt, a record repayment plan in this province over the last three years. At the same time, since June 1995, we've had a freeze on the average rate of electricity. So our companies, the crown corporations, have become more efficient, they're paying off more debt, and given that 40% of the hydro bill today is debt service charges and has been for a number of years, we're passing on those debt service charge savings dollar for dollar—

The Speaker (Hon Gary Carr): The minister's time is up.

Mr Conway: My question is to the Minister of Finance, because it was to the Minister of Finance six weeks ago that the Association of Major Power Consumers in Ontario wrote to observe that on the basis of their best forecasts and what they were being told, not from some municipal utility but from Ontario Power Generation, whose sole shareholder is Her Majesty's Ontario government—the Association of Major Power Consumers have told me that they told the minister of Finance for Ontario about six or eight weeks ago that it was their unhappy expectation that they could expect electricity rates for the industrial sector in Ontario in the year 2001 to be going up somewhere between 15% and 20%. There were no municipal utilities involved in that.

To the Minister of Finance, my supplementary question is this: What are you saying to the Association of Major Power Consumers? Are their power rates going to be going up by 10%, 15% and 20% in the year 2001? If that is not the case, let's make it easy. In the year 2001, by how much will the residential, commercial and industrial power rates be going down for Ontario consumers?

Hon Mr Wilson: The honourable member dismisses the role of municipalities. I've talked about the things the government is doing to make sure hydro rates are as low as possible in this province; 15% to 20% of the bill is

municipalities and the association points that out, I say to the honourable member. We are asking our municipal partners not to go for a cash cow grab here, to pad your municipal budgets in a municipal election year, but to do what's right for consumers and do your part, for that 15% to 20% of the bill, to keep rates down, just like we're doing in our crown corporations and in the leadership from the Minister of Finance in all the levers we have to bring prices down in this province.

With respect to the association itself, you will note that it is that association of independent power producers and industries that is encouraging the government to move as quickly as possible with deregulation and introducing competition into the generation side, because they expect that over the long run there will be lower prices available, and for the first time in the history of this province those large industrials will be able to shop around for power. In the meantime, the government is working with the association to come up with a transition strategy so that they'll have a smooth—

The Speaker: I'm afraid the minister's time is up.

TRAVEL INDUSTRY COMPENSATION FUND

Mrs Julia Munro (York North): My question is for the Minister of Consumer and Commercial Relations. With summer just around the corner, more and more Ontarians are planning their annual family vacation. In the past, this type of planning has always included a local travel agent. Ontario's travel agents are some of the most qualified in the world. However, many of these small businesses are struggling to remain competitive in the new electronic world. Minister, would you explain to this House what some of the problems facing our travel agents are and what this government is doing to help them?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): There is no denying that recent events in the travel industry, such as airline commission cuts and the increase in direct ticket sales via the Internet, have resulted in heightened competition for travel dollars and shrinking profit margins for many Ontario travel agents.

Earlier this month our government announced a reduction in the annual insurance premiums paid by registered travel retailers and wholesalers into the Ontario travel industry compensation fund. This reduction will amount to important savings each year for the average travel agent in Ontario. Most Ontario travel agencies are small, family-owned businesses and, given the current economic realities, a compensation fund premium reduction is welcome news for these small business people.

Mrs Munro: This is great news for Ontario's registered travel agents. Any reduction in operating costs for Ontario's small businesses is good news. Minister, you mentioned the Ontario travel industry compensation fund as the source of these reductions. Could you explain to this House exactly what the compensation fund is, and

how travellers in Ontario will remain protected if we are reducing the size of it?

Hon Mr Runciman: The purpose of this fund is to reimburse consumers for travel services paid to a registered travel agent when the services are not provided. Since June 1997 the fund has risen from \$4.5 million to over \$15 million. It is thanks to the effective management of the Travel Industry Council of Ontario that this fund has grown, and it allows us to pass on savings directly to travel agents while still maintaining a high level of financial protection for the travelling public of Ontario. Following the premium reduction, Ontario consumers will continue to enjoy the benefits afforded to them by the existence of a well-managed, sustainable compensation fund.

GRANDVIEW TRAINING SCHOOL FOR GIRLS

Ms Frances Lankin (Beaches-East York): My question is to the Premier. Today I'm going to try to appeal to your better angel. Last Tuesday in this House you stood and did the right thing for hepatitis C victims, and I stood and applauded your efforts. You said something quite important in your announcement to the House, and I'm going to quote you: "To dismiss their needs based on legal technicalities and arbitrary cut-offs, to treat this as a courtroom exercise rather than an issue of compassion, is an abdication of our moral responsibility as governments." It's a high standard and one I believe in, and I want you to please consider applying it to the 320 women who are survivors of the Grandview abuse. They need additional help.

The arrangement that was negotiated is now falling short. Our experience is that some of these women didn't get to counselling in time; some of them require ongoing support for counselling. We ask you one simple thing: Will you give consideration to having the government extend the deadline for access to counselling services for those women who really need it? Will you do that?

1520

Hon Michael D. Harris (Premier): I think the Attorney General has some information.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The member will recall that it was her government, in 1994 I believe, that negotiated with the Grandview survivors and arrived at the terms of the agreement that was reached with the Grandview survivors. I understand the concern being expressed with respect to continuing counselling. I also understand that the administration of the Grandview agreement included the provision that therapists working with survivors would refer them to support services within the community at the conclusion of the counselling program, and I trust that is being done. If it is the member's information that it's not being done, I'd like to know about it so we can follow up on that.

Ms Lankin: That is not the issue, Minister. I hope you will try to understand that we are asking you to rectify a

situation that now has come to all our attention. I haven't received an answer to the open letter I sent you, but the answer your ministry staff person put forward saying there was enough notice and the deadline is over is not good enough. These women's lives have been scarred permanently. Some of them are in counselling relationships where trust has been established. Without the financial support they cannot afford to continue that counselling. Some of them are in communities where there aren't alternative support services. They are getting a lifeline, and I mean literally a lifeline, preventing suicide. Redirecting them somewhere else is not going to meet their needs. Some of the women didn't find out about this provision in time because they are living on the margins of society. They haven't been able to access it. I don't care when this deal was signed. I'm saying that in today's real world it is not compassionate. It is an abdication of the moral responsibility of government, and I'm using your Premier's words. I'm just asking you, please, Minister, will you undertake to reconsider the possibility of extending the deadline for these counselling services to those survivors of Grandview who need it?

Hon Mr Flaherty: I appreciate the comments by the member, the genuine concern that the member has that appropriate counselling be available to survivors of Grandview, who certainly endured great tragedies. There is supposed to be provision, as I say, in the agreement to make sure that counselling takes place. It may well be that some assistance is needed to facilitate that. Certainly the women can access any of the mental health services funded by the Ministry of Health that are appropriate to their needs, such as crisis support, psychiatrists and institutional-based services. If there are particular instances in which that is not happening and the counselling is not happening, then I wish the member would tell me about the specific circumstances. We'll look into it and try to ensure those services are provided.

HOUSING POLICY

Mr David Caplan (Don Valley East): My question is for the Minister of Municipal Affairs and Housing. Sometime this session you're expected to introduce legislation to finalize your downloading of housing on to municipalities. Every day I receive the same letters and faxes you do from housing providers, from tenants, from municipalities, calling for province-wide public hearings into your pending legislation. My question to you today is simple: Will you commit, will you give me your solemn undertaking, to extensive province-wide hearings on this legislation? Will you commit that this legislation will not be forced through this House, through the debate process at the end of the session, and that all members will have an opportunity to participate in a full, thoughtful consultation process over the summer?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I hope the honourable member understands this point as a parliamentarian: That is not for me to commit. That is up to the House leader; it's up to this

chamber; it's up to all three parties to be involved in that. What I will commit to is this: I will represent to this House that there has been extensive consultation in the months leading up to the point we are at right now. There will continue to be consultation. There is a municipal reference group. There is consultation, both formal and informal, with providers, as well as local housing authorities, as well as municipalities, as well as others who are interested in this file, and that consultation will continue. You have my vow on that count.

Mr Caplan: The minister's answer's a cop-out. He could decide that that would be the case. In fact, I'm not really sure he understands or even cares about the matter I'm raising, because I am aware of the secret meetings you've been having with certain selected stakeholders. You see, many of these groups are the same ones that are, I guess, under a misconception that you are going to have a full hearing process over the summertime.

They believe there should be province-wide, meaningful consultation. There are 86,000 units of housing affecting over 200,000 Ontarians. That's what's involved here. Meeting with a few stakeholders in secret meetings in Toronto just doesn't cut it. Minister, these folks work on the front lines. They live in these housing units. They know and understand what your changes are going mean. They know it's going to be a complete disaster. Surely that's worth a few days of your time and this Legislative Assembly's and the committee's time, to make sure we can at least hear from these people. What are you afraid of, Minister? I want to give you another chance. Will you give me your solemn undertaking that we will have full and extensive public consultations across this province over the summer?

Hon Mr Clement: The answer to the question is that there will continue to be public consultation. There has been public consultation. The honourable member tries to draw a picture here of secret meetings. The honourable member would be the first one to complain if we were not consulting. There's nothing secret about it if you know about it. I can assure you they're not secret. He would be the first one to complain if we did not have these consultations. We are having these consultations. We've had them in the past, we have in the present and we will have them in the future. We are working with the providers, with the housing authorities, with the municipalities and with the citizens of Ontario to ensure that this process, which is designed to give municipalities say for pay—I hope the honourable member is not opposed to say for pay—is seamless, fair, logical and worthy of the government of Ontario. That is my solemn vow. If the honourable member wants to be helpful, perhaps he can get on the bandwagon too and ensure that this takes place responsibly and effectively.

CONNECTING-LINK PROGRAM

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Transportation. Your ministry's connecting-link program is an important initiative that

cost-shares funding of construction work on municipal roads connecting two sections of municipal highway. Clearly there is a provincial role to play in the upkeep of these roads, even though they are not owned by the province.

Can you tell the House what the province intends to invest in the connecting-link program for the 2000 construction season and how municipalities across Ontario will benefit from this program?

Hon David Turnbull (Minister of Transportation): I am delighted to respond to my colleague the member for Peterborough. We will be investing \$16 million in the program in this budget year. This summer's program will include 50 new projects in 41 municipalities, as well as 17 carry-over projects from last year in 16 municipalities. For cities or towns, MTO subsidizes 75% of the project. For smaller municipalities, MTO subsidizes 90% or 100% of project costs. The connecting-link program contributes to a strong and reliable transportation network.

Mr Stewart: I am pleased to hear about your ministry's efforts to work co-operatively with municipalities to fund important local projects. Can you elaborate on how the connecting-link program will benefit constituents in my riding, particularly the townships of Havelock, Belmont and Methuen.

Hon Mr Turnbull: The program will include funding for resurfacing the 1.6-kilometre section of Highway 7 through the townships of Havelock, Belmont and Methuen. This will be valued at \$250,000. These are other examples of the continuing partnership we have with municipalities. We're working together to improve Ontario's infrastructure.

1530

HIGH-TECHNOLOGY SECTOR

Mr George Smitherman (Toronto Centre-Rosedale): My question is for the Minister of Energy, Science and Technology. Earlier today the Ottawa partnership met with our caucus, and I know they met with you and other members of the government. They told a good story about the diversification of the Ottawa economy, but they also told a cautionary tale about impending labour shortages.

Last week I had a meeting with senior officials in your ministry, as you would be well aware. They offered no solid answers with respect to this. When I asked the question, should we expect labour shortages to occur? they said that was within the realm of possibility. The announcements your government has made so far would seem to fall short.

We know that programs like ATOP and capital investments are designed to address this problem. But it would seem that Ontario's ranking of 59th out of 60 in North America in terms of investment in post-secondary education places Ontario at a distinct competitive disadvantage. What assurances can the minister provide to us today that there will not be labour shortages in Ontario's high-tech economy?

Hon Jim Wilson (Minister of Energy, Science and Technology): It's an excellent question from the honourable member, and something that is on the minds of all the people who run our high-tech companies in this province, not just those from Ottawa. We have worked very carefully and closely with the sector over the three years I have been minister, for example, and Al Palladini has worked very closely with them with his skills development fund.

Initiatives, like in the last budget, to try to retain employees we have, like the tax-free allowance for the first \$100,000 in stock options—the honourable member mentioned ATOP, the access to opportunities program, in which 22,000 new university and college spaces in computer programming and computer-related courses have been opened up by this government over the last two years. That is the largest expansion of the post-secondary educational sector in the history of this province since it was invented. It's a dramatic increase and it will provide, in three or four years' time, those employees we need today.

This is an acute problem across North America. In fact, you'll find that we recruit on a worldwide basis to bring in those skilled employees. We would like to hear any suggestions the honourable members across the way have, because we want to make sure that we have the workers—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mr Smitherman: I have one suggestion for the minister. Rather than standing on his feet in the House and telling us what has been done so far, I'd like him to address and provide the assurances that the government over there gets it and that they're prepared to deal with the problem.

The president of Mitel said this morning that this is an issue that limits growth. His mandate from worldwide headquarters is very clear: He is to exceed growth, and if it cannot be done in this jurisdiction, his job is to find a place where that can be achieved. So all of the announcements that have been made so far fail to deal with the challenge that is out there.

Make no mistake, barriers to growth will not be tolerated. New jobs will be found outside of Ontario. Competitor jurisdictions are making these investments. We have spoken in this House about the distinctions between Ontario and our competitive jurisdictions; that is, that Ontario is committing far fewer dollars on a per capita basis than almost all competitive jurisdictions in North America—all but one. The suggestion to the minister is, get some dollars into the post-secondary system and produce these employees for those jobs that are about to go wanting.

I ask the minister once again to give me the assurances which the senior bureaucrats from his ministry could not, and that is that the Ontario government is prepared to provide the necessary labourers for high-tech jobs in the Ontario economy.

Hon Mr Wilson: All of our programs are designed exactly to do that, in an unprecedented way. I spoke earlier today about the Premier's research excellence awards, in which 191 researchers have received \$150,000 from the government and the private sector—the largest awards in Canada. That's to make sure our best and brightest stay here. That's 191 researchers. Each one of those researchers will use that money to attract four or five other research fellows or post-doctoral students, for a total of about 700 to 800 more jobs. Those people are the fundamental people we need to train the high-tech workers of the future.

Again, there are unprecedented amounts of money going into solving this very problem, and we're starting to have success. We're reversing the brain drain. Even though the federal government—his federal cousins—and the Prime Minister continue to say there isn't a brain drain, there is one. We're doing everything we can, through unprecedented research dollars, through skills development, through ATOP—

The Speaker: The minister's time is up.

CORRECTIONAL FACILITIES

Mr Garfield Dunlop (Simcoe North): My question is for the Minister of Correctional Services. Minister, a coalition of churches has raised the issue of human dignity, wondering if superjails like the ones announced by your ministry will meet the objective of reducing recidivism. They say that the superjails your ministry has announced will not provide the programs necessary to address many of the social problems the inmates deal with. Can you please explain to the House if these accusations are true?

Hon Rob Sampson (Minister of Correctional Services): The member seemed to get in under the wire there. I certainly appreciate his question.

Of course it's not true. The Church Council on Justice and Corrections is concerned about effective programming in institutions; so am I. I think we need to have effective programming in institutions that deal with recidivism in this province, and that's what we'll do.

PETITIONS

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): "To the Legislative Assembly of Ontario:

"Whereas many questions concerning the events preceding, during and after the fatal shooting of Dudley George on September 6, 1995, at Ipperwash Provincial Park, where over 200 armed officers were sent to control 25 unarmed men and women, have not been answered; and

"Whereas the influence and communications of Lambton MPP Marcel Beaubien with the government

have been verified through transcripts presented in the Legislature; and

"Whereas the trust portfolio of native affairs held by Attorney General Charles Harnick is compromised by this continued refusal for a full public inquiry into the events at Ipperwash; and

"Whereas the promised return of Camp Ipperwash to the Stoney Point Nation by the federal Ministry of Defence and the serious negotiation of land claims by both provincial and federal governments could have avoided a conflict;

"We, the undersigned, petition the Legislative Assembly of Ontario that a full public inquiry be held into the events surrounding the fatal shooting of Dudley George on September 6, 1995, to eliminate all misconceptions held by and about the government, the OPP and the Stoney Point people."

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to present a petition to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the prayer Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

I affix my signature in support.

CULTURAL CLUBS

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly of Ontario:

"Whereas cultural clubs make an outstanding contribution to our province by sharing their customs, traditions, language and arts;

"Whereas our cultural clubs are generous in their benevolent contribution to the people of their communities;

"Whereas dramatic and unjustified increases in assessment for our cultural halls have created an extreme hardship for their membership;

"Be it resolved that the Legislative Assembly urge the provincial government to reinstate the previous assessment treatment for such facilities and abandon the assessment change that is so detrimental to our cultural organizations."

I affix my signature as I'm in complete agreement with this petition.

DEVELOPMENTALLY DISABLED

Ms Frances Lankin (Beaches-East York): "To the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

In addition to the petitions I tabled yesterday, there are another 125 signatures from residents of my riding. I affix my signature as well.

1540

The Deputy Speaker (Mr Bert Johnson): Further petitions?

Mr John O'Toole (Durham): A couple of points, if I may. The member for Scarborough Centre today extended greetings to members of the Association for Community Living. In many respects this petition is dealing with that topic. I'm presenting the petition on behalf of the member for Scarborough Southwest, who, as you know, as a member of cabinet is unable to present these petitions.

"To the Legislative Assembly of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of

dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase the compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I'm pleased to present this petition.

SCHOOL CLOSURES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Kinsmen/J.S. MacDonald school is slated for closure,

"I/we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/J.S. MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I've also signed the petition.

LORD'S PRAYER

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition on prayer, almost identical to the one read by the member from Barrie-Simcoe-Bradford and a number of other members from the government side of the House.

"Whereas the Lord's Prayer, also called Our Father, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century;

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"Whereas the Lord's Prayer is the most meaningful expression of the religious convictions of many citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I sign this petition.

MUNICIPAL RESTRUCTURING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the town of Napanee and the townships of Adolphustown, South Fredericksburgh, North Fredericksburgh and Richmond were amalgamated into the town of Greater Napanee by order of the Minister of Municipal Affairs and Housing dated January 1, 1997;

"Whereas the order was made pursuant to a restructuring proposal which had the required degree of support of the municipalities affected;

"Whereas the restructured proposal provided that initially each councillor would get one vote, but after December 2000 councillors from wards with more than 2,500 electors (Napanee, North Fredericksburgh and Richmond) would get an extra vote, which provision was included in section 4.3(b)(2) of the order;

"Whereas council has applied to the Legislative Assembly to amend the order by repealing section 4.3(b)(2) to prevent councillors from wards with more than 2,500 electors from gaining an extra vote;

"We, the undersigned residents of the town of greater Napanee, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly of Ontario not delete section 4.3(b)(2) of the order of the Minister of Municipal Affairs and Housing dated January 1, 1997."

I'd like to submit this petition on their behalf.

HIGHWAY 407

Mr John O'Toole (Durham): I'm presenting a petition on behalf of my constituents in Durham, just to name a few: Doreen Sweetland and Susan Larsh, who are very involved in the community.

"To the Legislative Assembly of Ontario:

"Whereas the province of Ontario exempted Highway 407 east from a public hearing and then passed the Highway 407 Act to further exempt the proposed highway extension from important provincial environmental laws, such as the Ontario Water Resources Act, the Lakes and Rivers Improvement Act and the fill regulations of the Conservation Authorities Act; and

"Whereas heavy equipment is now being used to clear the eastern path of the highway, without any environmental guidelines, control or monitoring;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario, as a matter of extreme urgency, to put in place such environmental monitoring procedures and controls as are necessary to prevent extreme degradation such as a bulldozer working in stream beds, and numerous other environmentally destructive acts that have been witnessed since the 407 east extension was permitted to go ahead."

I'm pleased to present this petition.

MUNICIPAL RESTRUCTURING

Mr John Gerretsen (Kingston and the Islands): I too have a petition similar to the one presented by the member for Hastings-Frontenac-Lennox and Addington and it's addressed to the Legislative Assembly of Ontario.

"Whereas the town of Napanee and the townships of Adolphustown town, South Fredericksburg, North Fredericksburg and Richmond were amalgamated into the town of greater Napanee by order of the Minister of Municipal Affairs and Housing dated January 1, 1997; and

"Whereas the order was made pursuant to a restructuring proposal which had the required degree of support from municipalities affected; and

"Whereas the restructuring proposal provided that initially each councillor would get one vote, but after December 2000 councillors from the wards with more than 2,500 electors (Napanee, North Fredericksburg and Richmond) would get an extra vote, which provision was included in section 4.3(b)(2) of the order;

"Whereas council has applied to the Legislative Assembly to amend the order by repealing section 4.3(b)(2) to prevent councillors from wards with more than 2,500 electors from gaining an extra vote;

"We, the undersigned residents of the town of greater Napanee, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly of Ontario not delete section 4.3(b)(2) from the order of the Minister of Municipal Affairs and Housing dated January 1, 1997."

It's signed by a number of residents. I agree with it and I've signed it as well for the beautiful town of Napanee.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition entitled "Save Our High Schools."

"Whereas several area high schools have been threatened with closure;

"Whereas the Grand Erie District School Board, the Brant/Haldimand-Norfolk Catholic District School Board and Fanshawe College all have proposals to construct new school buildings in Simcoe; and

"Whereas many viable options and solutions have been proposed, publicly discussed, but not enacted;

"We, the undersigned, beseech the province of Ontario to take extraordinary steps to conduct an administrative audit and mediate a solution among the Grand Erie District School Board, the Brant/Haldimand-Norfolk Catholic District School Board, Fanshawe College and other key stakeholders to provide a student-based approach, utilizing existing school board and possibly municipal infrastructure."

I agree with an approach such as this and hereby affix my signature to this petition.

NORTHERN HEALTH TRAVEL GRANT

Mr Michael A. Brown (Algoma-Manitoulin): I have more petitions to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the name of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Care Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities."

These constituents are from Thessalon and various places along the north shore of Lake Huron.

ORDERS OF THE DAY

TAXPAYER DIVIDEND ACT, 2000

LOI DE 2000 SUR LE VERSEMENT D'UN DIVIDENDE AUX CONTRIBUABLES

Resuming the debate adjourned on May 11, 2000, on the motion for second reading of Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget / Projet de loi 72, Loi visant à

verser un dividende aux contribuables de l'Ontario, à réduire les impôts, à créer des emplois et à mettre en oeuvre le budget.

The Deputy Speaker (Mr Bert Johnson): Pursuant to the order of the House of May 15, I'm now required to put the question.

On May 9, 2000, Mr Young moved second reading of Bill 72.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a precisely five-minute bell.

The division bells rang from 1552 to 1557.

The Deputy Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Guzzo, Garry J.
Baird, John R.	Hardeman, Ernie
Barrett, Toby	Harris, Michael D.
Beaubien, Marcel	Hodgson, Chris
Chudleigh, Ted	Johns, Helen
Clark, Brad	Klees, Frank
Clement, Tony	Marland, Margaret
Coburn, Brian	Martiniuk, Gerry
Cunningham, Dianne	Maves, Bart
DeFaria, Carl	Mazzilli, Frank
Dunlop, Garfield	Molinari, Tina R.
Ecker, Janet	Munro, Julia
Elliott, Brenda	Mushinski, Marilyn
Eves, Ernie L.	Newman, Dan
Flaherty, Jim	O'Toole, John
Gilchrist, Steve	Ouellette, Jerry J.
Gill, Raminder	Runciman, Robert W.

Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Tumbull, David
Wettlauffer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Deputy Speaker: All those opposed will please rise and be recognized by the Clerk.

Nays

Agostino, Dominic	Conway, Sean G.	Lankin, Frances
Bartolucci, Rick	Crozier, Bruce	Marchese, Rosario
Boyer, Claudette	Di Cocco, Caroline	Martel, Shelley
Brown, Michael A.	Dombrowsky, Leona	McLeod, Lyn
Bryant, Michael	Duncan, Dwight	Patten, Richard
Caplan, David	Gerretsen, John	Peters, Steve
Christopherson, David	Hoy, Pat	Phillips, Gerry
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Kwinter, Monte	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 30.

The Deputy Speaker: I declare the motion carried.

Pursuant to the order of the House of May 15, 2000, the bill is ordered referred to the standing committee on finance and economic affairs.

PARENTAL RESPONSIBILITY ACT, 2000

LOI DE 2000 SUR

LA RESPONSABILITÉ PARENTALE

Resuming the debate adjourned on April 19, 2000, on the motion for second reading of Bill 55, An Act to make

parents responsible for wrongful acts intentionally committed by their children / *Projet de loi 55, Loi visant à rendre les pères et mères responsables des actes fautifs commis intentionnellement par leurs enfants.*

The Deputy Speaker (Mr Bert Johnson): Pursuant to the order of the House of April 25, I am now required to put the question.

On April 13, Mr Martiniuk moved second reading of Bill 55.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This will be a precisely five-minute bell.

The division bells rang from 1601 to 1606.

The Deputy Speaker: All those in favour of the bill will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Guzzo, Garry J.	Sampson, Rob
Baird, John R.	Hardeman, Ernie	Snobelen, John
Barrett, Toby	Harris, Michael D.	Spina, Joseph
Beaubien, Marcel	Hodgson, Chris	Sterling, Norman W.
Chudleigh, Ted	Jackson, Cameron	Stewart, R. Gary
Clark, Brad	Johns, Helen	Stockwell, Chris
Clement, Tony	Klees, Frank	Tascona, Joseph N.
Coburn, Brian	Marland, Margaret	Tilson, David
Cunningham, Dianne	Martiniuk, Gerry	Tsubouchi, David H.
DeFaria, Carl	Maves, Bart	Tumbull, David
Dunlop, Garfield	Mazzilli, Frank	Wettlauffer, Wayne
Ecker, Janet	Munro, Julia	Wilson, Jim
Elliott, Brenda	Mushinski, Marilyn	Witmer, Elizabeth
Eves, Ernie L.	Newman, Dan	Wood, Bob
Flaherty, Jim	O'Toole, John	Young, David
Gilchrist, Steve	Ouellette, Jerry J.	
Gill, Raminder	Runciman, Robert W.	

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Conway, Sean G.	Marchese, Rosario
Bartolucci, Rick	Crozier, Bruce	Martel, Shelley
Boyer, Claudette	Di Cocco, Caroline	McGuinty, Dalton
Bradley, James J.	Dombrowsky, Leona	McLeod, Lyn
Brown, Michael A.	Duncan, Dwight	Patten, Richard
Bryant, Michael	Gerretsen, John	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ruprecht, Tony
Cleary, John C.	Kwinter, Monte	Smitherman, George
Colle, Mike	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 49; the nays are 32.

The Deputy Speaker: I declare the motion carried.

Pursuant to the order of the House of April 25, the bill is ordered for third reading.

PARENTAL RESPONSIBILITY ACT, 2000

LOI DE 2000 SUR

LA RESPONSABILITÉ PARENTALE

Mr Flaherty moved third reading of the following bill:

Bill 55, An Act to make parents responsible for wrongful acts intentionally committed by their children / *Projet de loi 55, Loi visant à rendre les pères et mères responsables des actes fautifs commis intentionnellement par leurs enfants.*

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes Mr Flaherty, the Attorney General.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I will be sharing my time with the members for Cambridge, Barrie-Simcoe-Bradford, and Durham.

This bill was debated extensively for over eight hours in this House. No amendments were made to the bill. This government is committed to safer communities and the rights of victims. The Parental Responsibility Act supports both of these goals.

The Parental Responsibility Act proposes to make it easier for people whose property has been stolen, intentionally damaged or destroyed by a minor to recover a maximum of \$6,000 from the parents through the Small Claims Court. The proposed legislation builds on the current law by making it easier for victims to obtain compensation by placing a greater onus of proof on parents.

The proposed Parental Responsibility Act would also help improve community safety by reinforcing the time-honoured values of respect and responsibility. We are sensitive to the challenges parents face and believe that most parents are conscientious in supervising their children and raising them to be law-abiding citizens.

If passed, the Parental Responsibility Act will do a number of things. First of all, it would apply to property owners, renters and lessees. Monies recovered would include related expenses incurred by the victim, such as lost wages or profits or car rental costs arising from the property damage or loss.

The bill would allow victims access to Young Offenders Act dispositions to help victims prove their case.

The bill would hold a parent liable unless the parent can prove that the loss or damage caused was not intentional or that he or she exercised reasonable supervision and that he or she made reasonable efforts to prevent the damage.

The bill would permit victims to collect compensation from either or both parents if both are found to be liable.

The bill would make it easier for victims to collect damages by permitting the payments to be made in instalments by fixed dates in cases where the full payment cannot be made immediately.

As a result, the proposed law would be a pragmatic and useful tool for victims. The current legislation can often make it difficult for victims seeking justice. It puts too much onus of proving the case on the victim.

We have heard from community safety organizations, police and retailers that new legislation is needed. Our government has also heard from people during public forums held by the Ontario Crime Control Commission across the province, more than 70 public forums in total.

The people of Ontario in these forums told the Crime Control Commission, of which I was initially a member, that they are concerned about property crime, and they want parents to take a stronger role in shaping the behaviour of their children. People do not want to live in communities where their homes and apartments are broken into and personal belongings are stolen, destroyed or damaged; where local park equipment is damaged; where their cars are stolen, windows smashed and the finishes scratched; and where retailers lose many thousands of dollars every day to customer theft. That is what is happening in Ontario, and much of this crime is caused by minors. In fact in 1998, 47% of all cases in youth court were related to property crime. This bill recognizes that many parents do take responsibility for their children. This bill is directed at those who do not. Providing an additional incentive to parents to supervise their children and take steps to prevent their children from causing damage reinforces the values of respect and responsibility and helps improve community safety. That is why we have taken a leadership role to improve the existing law. We have heard calls by the opposition for us to do more to help prevent youth crime—this, despite the fact that a lot of the laws governing young offenders are set by the federal Liberal government. They are out of the province's control. That includes the ineffective Young Offenders Act, which has recently been repackaged by the federal Liberal government as the Youth Criminal Justice Act, which is basically the Young Offenders Act with a new cover.

We need to set the record straight around those concerns and contradictions. We need to get to the heart of the matter. Fundamentally, the proposed Parental Responsibility Act is about the need to raise a generation of young people who are responsible and who have respect for themselves, their families, their communities and for the laws that govern all of us. It's about restoring the values of respect and responsibility, values that underpin an orderly society.

There is no question that the bill would change the status quo and enhance victims' rights. While there is a law on the books that holds parents accountable for their children's behaviour, the law does not work for all victims. Specifically, the current law places too much onus on victims and makes it difficult to prove their case and get compensation in the courts. Our government believes that it is unfair that those who have been victimized must bear most of the burden. The Parental Responsibility Act proposes to make it easier for victims in Small Claims Court by reducing the onus of proof on the victim.

We have heard from the members opposite that more must be done to stop youth crime. We agree and we are doing it. The Parental Responsibility Act is just one of a series of initiatives by this government to deal with youth crime. Other initiatives include our recent budget commitment to triple, from six to 18, the number of youth justice committees across Ontario. These committees allow community members to determine the best way for

non-violent youth offenders to make amends for their crimes. They involve intervention by community members in the actual lives of young people. This is not slap-on-the-wrist justice. This is actual intervention, finding out what's going on in that young person's life and making a difference, with this purpose: that that young person not come back into the youth criminal justice system or, worse, come back into the adult criminal justice system.

1620

Also, we have the initiative of Project Turnaround, which is a strict-discipline-facility approach to dealing with serious repeat young offenders, which is already showing a reduced rate of recidivism among the most serious violent repeat young offenders—already signs of success with respect to Project Turnaround. Also, we have the initiative of putting up to 1,000 new front-line police officers on the streets.

The Ontario government has also released a code of conduct for students in our schools to help make our schools safer, and we intend to introduce legislation to support its implementation. Bill 55 would be one more step, and a fundamental step. It would reinforce the values of respect and responsibility and help kids get on—and keep on—the right track.

Bill 55 does enhance victims' rights. It would make it easier for victims to get compensation in Small Claims Court for the deliberate theft, destruction or damage of their property caused by other people's children. If passed, this bill will help victims of property crime by minors by putting more onus of proving the case on the parents, where it should be, and not on the victim.

This bill recognizes that most parents do take responsibility for their children and recognizes the efforts of parents. The bill acknowledges the role of parents in teaching their children the standards of behaviour that are acceptable in an orderly society.

I want to stress that parents would not be held to an unfair standard by this bill. Parents who exercise reasonable supervision of their children and take steps to prevent their children from causing damage would not be liable under this act.

The Parental Responsibility Act is consistent with community values. It seeks to reinforce the principles of respect for the law and responsibility. It seeks to improve community safety. It seeks to help victims of deliberate youth property crime get compensation more easily. Passage of this bill would help achieve these goals.

Mr Gerry Martiniuk (Cambridge): Mr Speaker, I understand that the parties have agreed, due to the overhang of the time from question period, to divide the remaining time up till 6 pm this evening equally between the three caucuses. I would therefore ask for unanimous consent for all three parties to divide the remaining time equally among the caucuses, which would mean approximately one-half hour each.

The Deputy Speaker: Is it agreed? It is agreed.

Mr Martiniuk: We are dealing today with third reading of the Parental Responsibility Act. I can recall, as

co-chair of the Ontario Crime Control Commission, visiting Manitoba, and I do believe that was in the winter, early February or March 1998, some months before we put forth our first report on youth crime. We were in Manitoba to look at a couple of things; one was their very interesting youth justice committee system, of which they had over 80, and this was a system of volunteers dealing with first-time, non-violent young offenders. Basically, the philosophy grew out of the native circles, which were used for the same purposes.

I can also recall being in Niagara region as a guest of my seatmate Bart Maves, the member for Niagara Falls. I can recall, when we were in Niagara region with Bart at a crime control forum, having a person introduce again the whole concept of a Parental Responsibility Act, an act that would highlight the fact that many in our society feel that parents should be more accountable. When I say that, I must say, as I preface anything in dealing with parents and youth, that the vast majority of the parents and youth are responsible, but there are those few, unfortunately. The Parental Responsibility Act not only highlights that parents should be accountable for the criminal acts of their children, but also will ensure that those parents who do not feel accountable would be made legally accountable.

I should say that my friend the member for Niagara Falls, Mr Maves, was involved not only in the crime control forum way back in 1997, but was instrumental in the recent tourism safety conference in the Niagara area, where once again the good people of the Niagara area dealt with crime as it relates to tourism and vice versa, and they are concerned and doing good work on behalf of the province, in conjunction of course with the world-renowned Niagara Regional Police. On that day, the Solicitor General came down to that conference because it is an important conference, as tourism is one of the primary industries of that region.

Dealing with the Parental Responsibility Act, this bill was debated extensively for over eight hours in this House and no amendments were made to the bill. The government is committed to safer communities and the rights of victims. The Parental Responsibility Act supports both of these goals. The Parental Responsibility Act proposes to make it easier for people whose property has been stolen, intentionally damaged or destroyed by a minor to recover a maximum of \$6,000 from the parents through Small Claims Court. That is not to say that the youth would not be responsible—of course he or she is responsible—but this goes one step further and makes the parent vicariously liable for criminal acts of the youth and the damage that ensues.

The proposed legislation builds on the current law by making it easier for victims to obtain compensation by placing greater onus of proof on parents. The proposed Parental Responsibility Act would also help improve community safety by reinforcing the time-honoured values of respect and responsibility.

We are sensitive to the challenges parents face. I believe most parents are conscientious in supervising their children and raising them to be law-abiding citizens.

If passed, the Parental Responsibility Act would apply to property owners, renters and lessees. Monies recovered would include costs incurred by the victim, such as lost wages or profits and car rental costs arising from property damage or loss. It would permit and allow victims access to the Young Offenders Act disposition to help victims prove their case. It would hold a parent liable, unless the parent can prove the loss or damage caused was not intentional, or he or she exercised reasonable supervision, and he or she made reasonable efforts to prevent the damage. This act would permit victims to collect compensation from either or both of the parents, if both were found liable. This act would make it easier for victims to collect damages by permitting the payments to be made in instalments by fixed dates in those cases where full payment could not be made immediately.

As a result, the proposed law would be a pragmatic and useful tool for victims.

The current legislation can often make it difficult for victims seeking justice. It puts too much onus on proving the case of the victim. We have heard from community safety organizations, police and realtors that new legislation is needed. Our government has also heard from people during public forums held by the Ontario Crime Control Commission across the province. They told the commission that they are concerned with property crime and that they want parents to take a stronger role in shaping the behaviour of their children.

1630

People do not want to live in communities where their homes and apartments are broken into and personal belongings are stolen, destroyed or damaged, where local park equipment is damaged, or where their cars are stolen, windows smashed and the finish scratched. Those who run retail stores in our province lose many thousands of dollars every day to customer theft. This is what's happening in Ontario, and much of this crime is caused by minors. In 1998, 47% of all cases in youth court was related to property crime.

This bill recognizes that many parents do take responsibility for the behaviour of their children. This bill is directed to those who refuse to take responsibility for the behaviour of their children. It provides an additional incentive to parents to supervise their children and take steps to prevent their children from causing damage. It reinforces the values of respect and responsibility that we all hold dear and helps to improve community safety. That is why we have taken a leadership role in improving the existing law.

There is no question that Bill 55 would change the status quo and enhance victims' rights. While there is a law on the books that holds parents accountable for their children's behaviour, the law does not work for all victims. Specifically, the current law places too much onus on victims and makes it difficult for victims to prove their case and get compensation in the courts. Our government believes it is unfair that those who have been victimized must bear most of the burden. The Parental

Responsibility Act proposes to make it easier for victims in Small Claims Court by reducing the onus of proof on the victim.

Comparing a case using the current law and one using the law we are proposing clearly illustrates why victims need Bill 55. Under the current law, parents have a duty of care to supervise their child and they may be liable if they are negligent in carrying out this duty. The victim would then have to navigate through the law of negligence—not an easy feat without the assistance of a lawyer. Once they did file a claim, they would find they are responsible for proving much of the case.

Under current law, victims must prove that the defendant is the parent of the child, that they suffered damages, that the damage was related to the conduct of the parents, that there is a duty recognized in law to control a child's activity in accordance with a standard expected of a reasonable and prudent person, and that the child caused the damage and the damage was reasonably foreseeable by the parents.

Overall the victim must establish that the parents did not meet the expected standard of reasonable and prudent persons. If the victim cannot establish these facts, then the case does not proceed. Only when a victim can satisfy the court that the parents didn't meet the required standard does the onus of proof then shift to the parents.

To avoid liability, parents must prove that they exercised reasonable supervision and control over their child's behaviour. The question is, if you have suffered property damage, if you are the victim, why should it be so difficult to recover your losses? That is precisely what Bill 55 aims to fix. What we propose is that we want to make it easier for victims to get justice by reducing the onus of proof on them.

Under the proposed Parental Responsibility Act, the process would be simpler because a victim would only have to prove that the defendant, number one, is the parent of the child, that the child caused the property damage, and the amount of damage—that simple, a three-step process. It would be easier for a victim to obtain and use a finding of guilt under the Young Offenders Act. This would assist the victim in proving his or her case.

The burden would then shift to the parents to establish why they should not be found liable. The parents could either prove that the youth acted unintentionally or that they exercised reasonable supervision over the child and made all reasonable efforts to prevent the child from causing the damage.

Bill 55 would provide a most useful and pragmatic tool. By reducing the onus of proof on the victim, victims would be able to pursue their case in Small Claims Court more easily.

It is the intent of this government to assist the victim in all ways. When we have an instance where damages have been suffered, the question is, shall the guilty party bear the damages or shall the victim? We have expedited and made it easier for the victim to obtain compensation so that the burden of the act falls upon the young

offender and his or her parents in certain circumstances. It is a good act and I ask the House to support it.

We now have two other speakers from our caucus.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate on this bill. Certainly the member for Cambridge succinctly set out the rationale for the Parental Responsibility Act, 2000. I think there is a more fundamental point here. It's important that people have an understanding of our laws. There's been a lot of noise here from the members of the opposition saying: "We already have it here. There are nuisance laws. There are trespass laws."

But if you talk to most people, and lawyers too, there isn't a firm understanding of the rights of people who have their property damaged—that's what this law is about; it permeates our society—with respect to dealing with accountability and responsibility of our young people and their parents' role with respect to property damage. From an educational point of view and a transparency point of view, the purpose of this is to educate the public with respect to what their rights are, to provide a procedure through the Small Claims Court and to set up a statutory right enforcing your rights with respect to property damage up to a maximum.

Its focus is to make it easier for people whose property has been stolen, intentionally damaged or destroyed by a minor to recover a maximum of \$6,000 from the parents through the Small Claims Court procedure. It builds on the current law by making it easier for victims to obtain compensation by placing greater onus of proof on the parents rather than the victim. That's where the unbalance of the current law has been most reflected. The onus has been put on the victim who is not only the victim in terms of the property damage, but also the victim in terms of not being able to fully utilize the legal process in the way that it was intended to be used.

The proposed Parental Responsibility Act would also help improve community safety by reinforcing the time-honoured values of respect and responsibility. We're sensitive to the challenges parents face and believe that most parents are conscientious in supervising their children and raising them to be law-abiding citizens. All of us who are parents understand the challenge with respect to raising a child in this society. It's no small challenge, but it's a great challenge to all who are parents who want to raise our children properly.

1640

If passed, the Parental Responsibility Act would apply to property owners, renters and lessees. Monies recovered would include costs incurred by the victim such as lost wages or profits and car rental costs arising from the property damage or loss. It would also allow victims access to the Young Offenders Act disposition to help victims prove their case. It would hold the parent liable unless the parent can prove: (1) The loss or damage caused was not intentional; (2) he or she exercised reasonable supervision; and (3) he or she made reasonable efforts to prevent the damage. It would also

permit victims to collect compensation from either or both the parents if both are found liable.

It would make it easier for victims to collect damages by permitting the payments to be made in instalments by a fixed date in cases where the full payment cannot be made immediately. As a result, the proposed law would be a pragmatic and useful tool for victims.

Now that doesn't solve the entire problem with respect to property damage. I've certainly heard from insurance adjusters with respect to situations where our young people are used by professionals in the B and E industry—break and enter—to break and enter into homes for their own purposes. And the property damage and the loss is far in excess of \$6,000. That's something that the insurance industry and obviously our criminal justice system have to wrestle with, with respect to this particular type of conduct where our young people are being manipulated, are being used in this fashion.

But in terms of taking a proper first step, in taking a step that is designed to make victims aware of their rights, to make parents aware of their responsibilities so they can communicate that to their children and set down the parameters of what that conduct should be, I really believe that is an important first step that has to be taken. And, as everybody knows, you don't need a lawyer to use the small claims procedure. It's an equity type of process. The procedures are very simple. They're already outlined through manuals that are provided by the ministry officials and take you through the steps of how to use it. But I think the difficulty anyone would experience, if they've never been in a court of law before, is to understand that onus provision, in terms of their having to prove their case, and the hurdles they would have to face with respect to proving their loss and proving the actions of that individual, and, after they've done that, the individual not having the judgment really being credit or proof. They've had their day in court, but they don't get any real justice. And that's what this aims to change.

As the minister indicated, the current legislation can often make it difficult for victims seeking justice. It puts too much onus of proving the case on the victim. We've heard from community safety organizations, police and retailers that new legislation is needed. We also heard through the Ontario Crime Control Commission with respect to how to deal with young offenders.

I was privy to a crime control session last week with the member from London, Frank Mazzilli, who attended my riding. We listened to participants with respect to what we have to do in my riding of Barrie-Simcoe-Bradford to deal with criminal activity. There was a tremendous focus on our young people at this commission meeting and the role that education plays in criminal activity. The consensus that I gleaned from that meeting was that a lack of education can certainly have a direct relationship to criminal actions and a criminal lifestyle. That's something we have to deal with, and that's why I'm very pleased that we're looking, in our budget, at early intervention with respect to our young

people from junior kindergarten to grade 3, with respect to reading programs and reducing the class size, because early intervention to make sure that the standards and the foundation for a strong education are there can let us build on that to make sure the people we're trying to reach, the young people, are properly educated and don't turn to a situation where the Parental Responsibility Act could be utilized in the fashion envisaged under this bill.

I'm very pleased to speak on this bill, and I turn my time over now to the member from Durham, who I know is most anxious to speak to the public.

Mr John O'Toole (Durham): It's my pleasure to join my colleagues the member from Cambridge and the member from Barrie-Simcoe-Bradford, who has just spoken. I might say that I do respect his legal training and his understanding of the technical nature of this bill, but I think if I look back when the minister, the Honourable Jim Flaherty—

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Is there a quorum here?

The Acting Speaker (Mr Michael A. Brown): Would the clerk please check for a quorum.

Clerk at the Table (Mr Todd Decker): A quorum is not present, Mr Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: Mr Speaker, a quorum is now present.

The Acting Speaker: The member for Durham.

Mr O'Toole: I'm flattered to have several ministers show up to hear me speak this afternoon. It shows their interest in this whole issue of parent responsibility. The Honourable Jim Flaherty introduced this in April, and we have had extensive consultations. In my community we had a public meeting dealing with this issue, in a general sense, with the Crime Control Commission, and I know that we all, many of us as parents or family members, want the very best for our children.

What they're often looking for is some solidarity around them, some sort of framework where they can relate between respect for one another and responsibility. But I'd like to focus on the positive part; we've had the technical debate here this afternoon. I have spoken on this in second reading, and in a general sense maybe I didn't get some of my points made, so I'm going to reflect.

As a parent of five, I have a very optimistic view of young people. Quite often the few spoil it for the majority. I look around the House today and see the young pages sitting by the Speaker. I know in the last session I had two pages from my riding, and I want to pay some respect to the time they spent here and also to the pages who are here today.

Applause.

Mr O'Toole: Yes. Most young people are to be commended for dealing with a world that is perhaps more complex and sophisticated than when those of my generation were growing up. But they are looking for clear direction, and they are looking for the recognition that there are consequences for actions. I think we can

look at consequences as positive reinforcements and reminders. I think of things like recognizing excellence in students and recognizing leadership as important.

1650

The other night I was at the presentation of citizenship awards by the Blue Heron division of the Pathfinders in my riding of Durham, where about 35 young women were recognized for the work they had done to get their citizenship award badge. We had the citizenship judge, myself and the federal member there to show respect for those achievements. I think the recognition young people deserve is positive recognition. But quite often today in our society, the way it works is that the only thing that gets any recognition is the negative, the misbehaviour, the offender, and they are about 3% of the population.

I think that for far too long we've been too liberal—I'm not using that in a political sense—and sort of overlooking the responsibility and the rights issue. We have rights, but with those rights go responsibilities. That's for parents and also for young people. All this bill is saying is that parents have a responsibility to do the best they can to raise their children, and I as a parent of five completely endorse that concept.

There will be speakers, specifically the critic in the opposition party, who will try to tangle this all up with a whole bunch of gobbledegook about, "There's enough in the law today." The proof is that nothing is happening. In many cases, young people are looking for your leadership this afternoon to say there are consequences for actions, and let's remember to focus on the positive.

I also draw to mind in my few remaining moments a young fellow in my riding who I'm working with to make sure, along with other community members, he gets recognized. Andrew Murphy, a young teenager in Newcastle, on the evening of his father's death—

Interjection.

Mr O'Toole: —listen to this for a moment, member for St Catharines—helped to save the family in a neighbouring house when he spotted a fire in their garage. This selfless action of a young teenager is an example to each of us that the vast majority of young people need to be recognized for their positive actions in our community and in this House.

Also, the Venturers, a group of Boy Scouts comprised of 15- to 17-year-olds in Port Perry in my riding, are working with the Durham regional police and fire services to understand the order in society and the respect—and no more importantly than during Police Week, showing respect for the police. We don't need to take a dim or negative view of law and order. That's how civil society exists. It's only as strong as the laws that protect it. This law is trying to support parents who need to be reminded today that their children's behaviour has a lot to do with the expectations and goals they set for those young people.

I've mentioned a couple of young people in my riding, I've mentioned the Pathfinders, I've also mentioned Andrew Murphy and I've actually mentioned a few other people in my riding who have made a contribution. I just

want to mention for the record that Alison Brohman was a page here. She's from Kitchener-Waterloo. The Minister of Health would probably know her personally. She was a page and spent some time here during the last session. The page from my riding, of course, was Jordyn Clark. Her family was here the last day, and they were so proud of her that we spent some time.

I'm sure the opposition and third parties will spend more of their time criticizing this bill. The Parental Responsibility Act, Bill 55, is about consequences for actions and being able to pay restitution of some sort. Malicious damage is not acceptable to me. If somebody wants to say the current laws are sufficient, then why is it almost rampant in some areas of the province? Some part of that is a result of the current laws not working.

I'll be waiting this afternoon to hear the Liberal response to the act to make parents responsible for wrong acts intentionally committed by children. The key words here are "intentionally committed." With that, my remarks are concluded.

Mr James J. Bradley (St Catharines): I'll be sharing my time with the member for St Paul's, the member for Renfrew-Nipissing-Pembroke and the member for Hastings-Frontenac-Lennox and Addington.

I'm going to speak on this very briefly this afternoon and indicate that I never thought I'd see the day in this House when I'd be speaking to a bill where I thought the government was being too easy on people, but I am. What this bill does, according to the legal people in this House, is weaken the provision. It's a boondoggle not only for insurance companies that can now sue parents, but also a boondoggle for defence lawyers, in that it makes it easier for defence lawyers to do their job on behalf of the people you are aiming at.

I want to say first of all, despite the protestations on the other side that most young people are good but we're after the bad ones, that you have a new victim. You have a new target out there; you have a new scapegoat. It used to be the people on welfare, the lower end of the echelon, people who perhaps were newcomers to the country or something. You always found somebody to scapegoat. The new scapegoats are young people, and some of them are beginning to realize that you now aim at young people. I know you say that most young people are good, but really you're trying to stir up concern in the minds of senior citizens in this province that there is this wild group, a large group of young people out there looking to commit crimes against senior citizens and others. Of course, that simply isn't the case. There are some who require very strong reprimands and very strong action by the courts and by the judicial system, and I think all people want to see that happen. But this bill in fact makes it easier. That is my problem with this bill.

I guess it's another case of political grandstanding. What we're now seeing in the justice system is not well-thought-out legislation that will work, but rather something that looks good. I think it's incumbent on governments to really think carefully about legislation

and make sure it's actually going to work and ultimately be good for society as a whole.

The government could be of great assistance to the Niagara Centre for Youth Care, which deals with very troubled youth in our part of the province and could use a lot of funding to deal with these people, or deal with the education system, with child care and so on, getting at the problems very early on in life, so we don't have people who end up juvenile delinquents, as they used to be called.

This bill is yet another reannouncement. I remember Charles Harnick announced it back in 1996. The government did not proceed at that time. It's a blueprint for defence lawyers acting for parents, which is no help at all for the victims. Even defence lawyers like Clayton Ruby call the bill redundant.

Why are the Tories focusing on petty crimes that can be resolved in Small Claims Court, we may ask, when people are concerned about the gun epidemic in the province and the in-your-face crimes like home invasions and violent assaults? Young offenders need to take personal responsibility for their crimes. What you are doing as a government is nothing to ensure that youths would be held accountable for their own actions.

We in the Liberal Party tried to introduce amendments that would ensure accountability as well as amendments helping victims and promoting parental responsibility. We were not permitted to do so, because once again you slammed the door shut on debate and further placing of amendments. We wanted to have amendments which would help victims by broadening the scope of the bill for victims so that they can go to any court to seek a remedy for any amount, not just Small Claims, as under your bill, and also for personal injury and death, not just property crimes, as under your bill.

We had amendments that would help victims by removing the blueprint for the defence council, under your bill, which gives parents new excuses for getting out of their responsibilities. We leave it to the court to determine whether responsibility was actually exercised.

We have amendments which would help victims by exempting them from having to cover court filing fees and promoting parental responsibility by giving courts the discretion to order the parents found liable by the court to complete a parental training counselling program at the cost of the provincial government, as is the case in many US states. We wanted an amendment promoting individual responsibility for young offenders by giving courts the discretion to order that the kids repay their parents for damages, however the court sees fit.

So what you have here is a bill that actually weakens the present provisions, and you have not accepted any of our amendments. For those reasons I think this is not worthy of support.

1700

Mr Michael Bryant (St Paul's): I am happy to rise this afternoon on behalf of the official opposition. I remind the member for Durham, who was critical of our fulfilling our parliamentary role of providing opposi-

tion—surely he would not begrudge us that role—that we would be happy to support the bill if it was doing anything about parental responsibility. In fact, it's not. This bill is just a farce, simply pushing the hot button on youth crime, revving up the talk shows across the province and, as it turned out in this case, across the country, but making no substantive contribution.

The Ontario Liberals believe in parental responsibility. We also believe in individual responsibility and societal responsibility. If a positive, constructive bill had been put forward, then we would have supported that bill. But it wasn't, and we cannot support these public relations shams that are disguised as bills.

The Honourable Attorney General said in his speech that no amendments were put forward. I will give the minister the benefit of the doubt, because of course he would not have intended to mislead this House or mislead the province in any way. He should have known that his government slammed the door on any opportunity to provide any amendments, amendments which we had to read into the Hansard during second reading debate but which never came before this House, amendments which would have provided some teeth to this bill, amendments that would have made this bill effective. Instead, the bill, in a nutshell, has diluted the existing legal rights and remedies provided under legislation and jurisprudence that preceded this government at the same time as, frankly, misleading people into thinking that there is legislation under this government which does anything about parental responsibility.

I know that the members opposite would say, "That doesn't mean anything coming from the member for St Paul's." Well, how about Priscilla de Villiers? When the Parental Responsibility Act was proposed by the crime commission, Ms de Villiers, head of CAVEAT, said that this proposal to provide for parental responsibility would be easier said than done. She went on to say, in response to the recommendations provided by the crime commission, that it puts parents in an awkward position.

"If you have a 15-year-old who is out of control and who knows his or her parent is on the hook, I don't know what a parent is supposed to do," she said, as head of CAVEAT.

"Yes," she said, "changes need to be made to the system, but I'm not sure this is the right approach."

I am in solidarity with her with respect to this particular position on this particular bill. She said, "I don't see how it will work." I couldn't agree more with the former head of CAVEAT, but she's not alone in speaking out against this bill as being a sham.

The head of an association of parent support groups in Ontario, Stephanie Wagman, said in an article published in the Hamilton Spectator, April 5, 2000: "Our acting-out children couldn't care less if we (parents) have to pay for their misdeeds. Nowhere in this legislation are the children responsible for their behaviour."

But there's more. In an editorial put out by the Ottawa Citizen on April 10, 2000, they quote a professor of law at the University of Ottawa, David Paciocco, as saying,

"This is just rank politicking, appealing to frustration out there (over youth crime)." I couldn't agree more, "rank politicking" being the description of this bill.

I've read into the record from a number of editorials and a number of sources in second reading, and I'm not going to repeat the speech, unlike the speeches we heard from the government.

Here's what the Brantford Expositor said in its editorial: "Perhaps (parental responsibility) doesn't matter to the Harris government, which appears to be most interested in the appearance of action. It's introducing this bill to 'encourage respect for the law' but the result may be precisely the opposite."

The Hamilton Spectator, on April 5, 2000, said, "The Harris government, which emphasizes crime control, should be putting more priority on crime prevention, especially in reaching out to young people who are most likely to make the wrong choices," in referring to this law as a half measure. So I'm not alone in saying that this bill in fact is making no contribution whatsoever to parental responsibility or to youth crime and that it is misleading.

We heard from the member opposite that the onus has been shifted off the victim under this act. Nothing could be further from the truth. Under section 68 of the Family Law Act, passed under a previous government, it spelled out in black and white that the onus rests on the parents to establish that in fact their child had not behaved unreasonably. Nothing has been changed in the onus, and in fact the Attorney General, to his credit, never said that the onus shifted off of the victim. He never said that in introducing the bill—because it didn't. The onus has never been on the victim. The onus has always been on the parent to establish this. So there's no contribution in this bill at all.

The honourable Attorney General said that this bill is going to be a good bill. Why? Because we're going to follow the precedent in Manitoba. He wished he had never said that and he eventually backtracked on that statement and tried to distinguish this bill from the Manitoba bill. But he didn't say that at the beginning. On October 22, 1999, reported in the North Bay Nugget, he said—these are his words—"('Parents) will have to demonstrate that they have made an effort to control the activities of their children," Flaherty said. 'It seems to have worked in Manitoba.'" If Manitoba is the model for this bill—and it is; the Manitoba bill was copied, pasted and now thrown into the Ontario books—we already know, we already have the case study, it is a total waste of legislative space. Here's the record of the great Manitoba bill that supposedly worked, according to the honourable Attorney General. Since 1996, when this bill was introduced, three claims have been brought per year under the Manitoba act. How many have succeeded? Less than one per year since it was introduced in 1996.

I heard from the honourable members opposite that somehow this was going to change the status quo. Well, some change to the status quo, this bill. Maybe it has changed the talk show circuits for a time, but it will make not a whit of difference to parenting, to crime, to

responsibility, to in-your-face crimes, to vandalism. It won't make any difference at all. The evidence we have is in the province of Manitoba: three per year. Is this bill the flagship of this government? It sure is. That's what they said when the session was introduced. They said that this bill was going to be the flagship of their crime mandate.

1710

Since the suggestion was made, incorrectly, by the Attorney General that no amendments were tabled, I also want to take this opportunity to say again what we would have done, what we would have tabled as amendments. To begin with, we would have tried to help victims by broadening the scope of the bill for victims so that they can go to any court to seek a remedy for any amount—not just Small Claims Court, as per the Manitoba/Ontario bill—and also for personal injury and death, not just for property crimes as per the Tory bill. We would have helped victims by removing the blueprint for defence counsel under the Tory bill which gives parents new excuses for getting out of their responsibilities.

What the Attorney General has done in this bill, in copying the Manitoba bill, to some extent has, I understand, codified the existing defences in the jurisprudence. If in fact that would have been helpful in some way, we would have supported it, but section 68 of the Family Law Act was never litigated. So it's not like there was some cry out among victims to have this jurisprudence clarified by statute. Nobody is going to court, and understandably so. When told by victims of crime that they don't think it makes sense that a kid can get out of responsibility for causing damage to property or otherwise by saying, "I'm a kid," the answer of this government is to say to victims, "Go sue them in Small Claims Court." You always could sue them in Small Claims Court. You also could have resort to statute, and the onus would be on the parents, not the victim. So there's no assistance being provided to victims in this bill whatsoever.

We would have introduced amendments to help victims by exempting them from having to cover court filing fees. I know that the justice critic for the New Democratic Party has mentioned this before, quite rightly, and he probably will mention it again.

We also would have introduced amendments to promote parental responsibility by giving courts the discretion to order parents found liable by the court to complete a parental training and counselling program at the cost of the provincial government, as is undertaken by a number of US states.

The answer from the other side might be: "Oh well, what do these courses mean? These courses are useless." I'll tell you that (1) these courses are a contribution, but (2) these courses that the government might impugn in fact are sitting there in the legislation as defences so that a parent can say in defence of the actions of a wayward child: "I'm not responsible for that because I took a course a couple of years ago. I may not have been supervising my child at the time, but I took a course a couple

of years ago. I may be totally negligent in supervising the children, but I took a course a couple of years ago." This is a breakthrough in the jurisprudence, a breakthrough for defence rights authored by the Progressive Conservative government. How does that make any sense?

Next we would have introduced amendments promoting individual responsibility for young offenders by giving courts the discretion to order that the kids repay their parents for damages however the court sees fit. That would have been a contribution to this bill, and if the government had put that in the bill in the first place, that would have been interesting. The suggestion has been made before, "Why not take away the driver's licences of kids?" Maybe that's a remedy, maybe that's a way to hold them responsible. Maybe we should provide for preventive measures such as investing in mentoring programs like Youth Assisting Youth, a great, successful program headquartered in the riding of St Paul's which has a waiting list of 300 people, 300 kids who want help from other youth and other mentors, but they can't do that because training has to be provided and resources have to be provided. That would have been a contribution to youth crime, but we heard none of that.

I find it amazing that this government would introduce a bill that doesn't have the support of those who are calling out for some action in this particular area. I find it amazing that this government wouldn't listen to Priscilla de Villiers when she said this bill won't work. I listened to her. I agree with her and I would have liked to see what amendments might have been introduced to give the bill some teeth. We have those amendments, we have them right here, but we can't introduce those amendments because, remarkably, this so-called flagship of this government's crime agenda was rammed through on a time allocation motion. One would have thought they would have wanted to debate this bill for an extensive period of time, take it across the province and hear from victims and hear from parents and hear from youth and hear from those who live with these issues day in and day out, and hear from Ms de Villiers, who would have told them, as she said after the Parental Responsibility Act was initially proposed by the crime commission, "Look, this isn't going to work as it stands."

If this government were serious about doing something about parental responsibility, then they would have made those changes, but you didn't. You didn't make those changes because there is no law-and-order mandate of this government in the year 2000. You've lost it. You don't know what it is. You don't know what to do. The Parental Responsibility Act was an idea from Mr Flaherty's predecessor, Charles Harnick. He made a submission to a House of Commons committee on this very point. It's an old idea.

The great contribution of the government thus far, since being elected in June, has been the squeegee bill. Christopher's Law, which was supported by all sides of this House, was the subject of three throne speeches—three. I remember Maurice Duplessis said, "No highway is worth paving that can't get you through four general

elections," but that should not apply to victims' rights, it certainly should not have applied to the sex offender registry, but unfortunately that principle seems to apply to every single crime initiative that comes forward from this government.

What's the government doing about guns? As we've already heard before, they're helping the gun lobby and they're hurting existing gun control legislation. What are they doing about parental responsibility? Against the advice of Ms de Villiers, against the advice of parents and against the advice of victims, this government decided to introduce legislation that is going to dilute—I repeat, dilute—victims' rights and distract the public from the fact that this government is doing nothing in the area of law and order, yet slam the door on any notion, any idea that perhaps we could improve this bill to make it worthwhile.

As I now yield this debate to my colleague, I would like a straightforward answer from this government as to what their mandate is when it comes to law and order, because thus far all we've heard is either old news, recycled news, reannounced news or misleading news. This bill cannot be supported, not by Ontario Liberals. For all those who take parental responsibility, individual responsibility and our safe streets seriously, we will not buy into this con of a bill. It's unfortunate that we have to spend as little time as we do debating this bill since the government, in its honourable tyranny and serial despotism, has decided not to hear any amendments on it. The bill's an abomination and it will not receive our support.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm always most impressed with my colleague from St Paul's. Again, he has outlined and described the position of the members of the Liberal Party in a most effective way. I hope there are some members of the government who are listening and will understand that this act is significantly flawed and that it does require some amendments, and I hope the members of the government will have the strength to vote as they should when the vote is taken.

For my part, I'm going to address my remarks from the perspective of a parent, as a mother and as someone who has been a school board trustee for 15 years. I would like to think that for those 15 years I've been an advocate for children and young people.

My husband and I have four children. The member for Durham talked about his five children. I'm very happy to share with the members of the House that we have raised four children. I take very seriously the responsibility of instilling the values of respect and responsibility in our children. It has certainly been our practice in our home to have our children understand that when they act inappropriately, when they cause hurt or harm to others or the property of others, they should indeed be responsible for those actions. We hold our children accountable for their actions. We do not do that by saying to them, "If you damage or hurt someone else or something else, we'll pay the bill." Quite the contrary; even within the

community, the riding, in which I live, the people I represent it's common that families don't try and bail out their children, but rather they have taught them to account for their own actions.

1720

I have very serious concerns with the message this government is sending to our young people. You are saying in law that if you cause harm to another's property—not to another individual either. I find it quite interesting that this is intentional damage to property but does not affect personal damage. In my opinion, if you were to harm a person, that's far more serious than if you were to harm a thing. A person is far more precious. I'm puzzled by that as well. But to suggest that if you harm another, someone else is going to be held accountable, someone else is going to pay for that, I think is sending a very wrong message.

Since I've been in this House, this government has introduced three bills that would have an impact on young people in this province. The first one was what we call the squeegee bill. The second one isn't a bill but an announcement from the government with regard to the code of conduct. It's not something we've debated yet. The government has presented the notion that if we make young people stand up every day and sing the national anthem and say the oath of allegiance, they're going to be responsible and respectful young people.

Now we have before us the Parental Responsibility Act, where we're saying to young people in Ontario, "If you do damage, your parents are going to have to pay the bill, up to \$6,000." That's not my experience of either holding young people accountable or, really, responsible parenting.

I'm concerned as well about the message this government is sending to young people in our province, because the three items that I've talked about really focus on these bad kids we have in Ontario and how, by golly, we have to bring in some laws that are going to straighten them out and make them respectful and responsible young people. I would suggest, from what I've been able to observe, that by employing your ideas and your tactics, we will not have more responsible young people; quite the contrary.

I come from a rural community. I was always taught, and witnessed in my community, that respect wasn't something you could order or mandate; it was something you earned. So for the government to suggest that you can legislate responsibility and you can make young people respectful I think is really quite far from what in fact is the case.

For all of the reasons that my colleagues have so eloquently placed before the floor of this Legislature today, I have to say that I would not be able to support the legislation as it has been presented. I do not believe that it provides the support for families or young people that is required in Ontario at this time.

Mr Kormos: I've got but 29 minutes to speak. Once those 29 minutes are over, the debate is over. It wasn't our choosing. The opposition parties thought there was

enough worthy of debate here that, as you know, we voted against this government's time allocation motion. A time allocation motion is when you shut down debate—shut her down. When you don't like what's being said in the Legislature and, more importantly, you don't like what the response is out there in communities across the province, you shut down the debate and move the focus on to something else.

I've been through many time allocation motions in this House over the course of almost 12 years now. I'll tell you this: I've never voted for one of them. Quite frankly, I believe that it's important that this issue, like so many others that pass through this Legislature, whether from this government or its predecessor government or that government's predecessor government—that's why we're here, to engage, one hopes, in an exchange of views and, in the course of performing the role of opposition, yes, to criticize, with the hope that you can either expose the hoaxes or improve those things that could withstand a little bit of refinement.

In this instance, we're dealing with a hoax. You see, this bill has got nothing—zero, zip—to do with victims' rights—nothing. I feel I'm very much the third wheel here. This is all about the Harris government conducting an Alliance campaign against the federal Liberals with respect to an upcoming federal election, and as far as I'm concerned, my goodness, a pox on both their houses. What we've got here is an effort on the part of the government to import some federal politicking into the provincial Legislature. There are so many other important things to debate.

This has nothing to do with victims' rights. The Victims' Bill of Rights has everything to do with victims' rights, doesn't it? Unfortunately, in May 1999, a year ago, the Victims' Bill of Rights, heralded by this government as the panacea for all that victims have ever needed or desired, was exposed in our courts as being yet another hoax. What did Judge Day say about the Victims' Bill of Rights from this government? The judge said it wasn't worth the paper it's written on. The judge said it was a bill of rights that contained no rights, no remedies, didn't assist victims in any way, shape or form.

We've been waiting for a year, because the Premier, during the course of the election campaign in the spring of 1999 and as a response to that court ruling, promised a real Victims' Bill of Rights. What have we heard from this government? Nothing. What have we seen by way of legislation in terms of a real Victims' Bill of Rights? Nothing. I tell them today, as I've told them before, that they could be assured that a real Victims' Bill of Rights—not the hoax that was exposed a year ago but a real Victims' Bill of Rights that has meaning and substance and provides real rights for victims—would receive co-operative support certainly from this New Democratic Party and, I suspect, as well—I can't speak for them; don't purport to—from the official opposition.

So what have we got here? We've got an attempt to distort the reality of the laws that exist now. I listened carefully during this brief period of third reading debate.

I heard government members talk about how this Parental Responsibility Act was some new creature that was going to enhance the ability of victims to be compensated for their losses as a result of youth crime. The fact remains, as has been noted and is irrefutable by the government, that negligent parents have always been liable for the misdeeds of their children. And it's been the law in this province since 1986, when section 68 was added to the Family Law Act, that the onus is on parents to establish that they were exercising appropriate supervision and control over their children performing these misdeeds, performing these acts of destruction or of mayhem, acts which may in their own right be criminal.

1730

Let's make another thing perfectly clear. We offer no comfort here to people who commit crimes. Again, I think it would be irresponsible for any member of this Legislature to suggest that any elected member here somehow wants to give solace or comfort to people who commit crimes, be they crimes against property or, far more dramatically, crimes of violence against other people. I wouldn't suggest that of members of the official opposition. I wouldn't suggest it of any member of the government. Of course not. What a naive, even stupid, proposition, to suggest that any member of this assembly somehow wants to comfort perpetrators of crime.

As I've said before, we, I think quite naturally, find youth crime to be even more repugnant, to be even more incomprehensible and certainly unacceptable. What are we talking about? We're talking about children committing adult crimes.

I was so pleased earlier today to join, as all members of the Legislature did, with the Solicitor General in his announcement regarding Police Week 2000, a week when we applaud our police officers, when we try to understand more effectively what they do and how important they are to our communities. I was pleased in a very non-partisan way to be able to join with the Solicitor General, especially when he said, with respect to police, how they work and, yes, risk their lives each day to make Ontario one of the safest places to live, work and raise a family. As I joined with the Solicitor General in his broader observations about police and policing, I joined with him in that observation as well.

Let's make no mistake about it: This is one of the safest places to live, work and raise a family. That's not to suggest we have to turn a blind eye or a deaf ear to crime that takes place in our community. Although we've seen a modest reduction in the incidence of crime in general and in the incidence of youth crime, as I indicated here last night, to talk about statistics and a reduction in the rate of crime is of little comfort to a victim, isn't it? It's of little solace to the victim of a break and enter to say, "Oh, well, sir or ma'am, you've got to understand there were fewer break and enters this year than there were last year." That doesn't change the traumatic and dramatic and tragic reality for that victim of a break and enter, or—need I say it?—assault or robbery or mugging or attacks with a weapon or murder and other forms of homicide.

I want to say something very clearly. It's where I find the government's position somewhat contradictory. I join with all of these government members and I believe every member of this Legislature, along with the vast majority if not all Ontarians, who say that even young people should be held accountable for what they do. Please, let's make sure we reward young people—the vast majority of young people—for the good things they're doing, for the incredible creativity and imagination and brilliance of young people in this province. Make sure we recognize that. Perhaps we should be recognizing that more often than we do. People have talked about a civil society. Let's also make sure we send the message out there that in a civil society people have to accept responsibility and accountability for their misdeeds as well.

The answer really lies not in this piece of legislation that does nothing more than restate the law. It's obviously a total failure in terms of public relations for this government. This government wouldn't even permit committee hearings around this bill. It didn't want to hear from people across this province who might well have had things to say about so-called parental responsibility. They didn't want to hear from victims who may have had some interesting things to say about the status quo, in view of the fact that opposition members have made reference to the status quo. I would have been eager to hear from them, and I have heard from some of them through my own offices. This government didn't want to hear from the families of delinquent children. I've heard from them as well.

Please, let's understand that there are a whole lot of hard-working, good mothers and fathers out there struggling to cope and support their kids in the most difficult of circumstances, doing all the right things, who because of a whole pile of circumstances, including—look, parents have a lot of competition out there, peer pressure, pop culture, the media. Mr Conway from Renfrew-Nipissing-Pembroke last night made reference to the content of the movies that some of our youngest citizens and residents are exposed to, and the glamorization of crime and violence. This is surely as difficult an age as any to raise children. The influences that parents have to compete with have never been more powerful, have never been more omnipresent and unavoidable. You can't chain your kids up and lock them in the basement. It's unspeakable.

The fact is that there's a huge number of families out there who have been working hard, doing their best, doing all the right things as they know them, who still find a kid who goes very much off track, who still find a kid who ends up in young offender court, who still find a kid from the best of families who ends up, whether it's because of getting involved with drugs—certainly that's a big factor. The drug subculture and the drug traffickers are tough competition for families and family life out there.

These families find themselves reaching out for help. They find themselves, according to Professor Ambert—

and I hope I don't misstate any of the conclusions that she reached in any number of works. She's one of the people I was eager to invite to come to committee hearings, if this government had only permitted them, because she has spent, I believe, almost 20 years now studying the effects of delinquent children on their families, and studying those families. She tells tale after tale as a result of very scientific and legitimate research methodology of how destructive delinquent children are to their own families, how destructive they are to marriages and to siblings, brothers and sisters, and the fact that these families reach out for help. It's the sort of help that this government has been disinclined to provide.

These are families who mortgage their homes for a second or third time to send the kids to a military school or some other private institution. These are families who go to great lengths seeking out psychiatric help and other kinds of psychotherapy for kids who have gone off-track. These are families who, more often than not, regard the police as the first resort. As one mother of a delinquent child said, "My God, I used to be able to think that the police were the people I could count on if my kid were to come home with, let's say, a box full of stolen goods." Is this kind of legislation going to be a disincentive for parents to call the police for fear they should be held accountable?

1740

Quite frankly, I think we should be encouraging and supporting those families with delinquent kids, to help them deal with that before that delinquency matures and grows into full-fledged, adult criminal behaviour. We talked about this a little bit last night on the other hoax that this government initiated, their resolution. I'm going to ask people to take a look at the Hansard coverage of what some of the government members had to say about that resolution. My goodness, I don't think any of them had even read the most basic of background material.

Let me put this to you. I would call upon members of this Legislature, as I know some already have, to spend some time in youth courts. Take a look at the women and men who are sitting as judges and take a look at their incredible caseloads. They're running sausage factories. They're processing case after case and they're doing it notwithstanding the incredibly high level of pressure on them and the incredibly high workload. They're doing it impressively, professionally and with great commitment.

Let's talk about accountability because I believe, and the New Democrats believe, that yes, one of the most important things to impress upon young people who commit crimes is that they are going to be held accountable for their conduct. Look, very few of us grew up with Ozzie and Harriet. It was but a fantasy for most of us as children. Most of us came from less-than-perfect homes. Most of us have never endured the incredible despair that increasing numbers of families have to with increasing poverty, with more and more moms or dads having to work not just two but three jobs because jobs are increasingly lower wage and increasingly minimum wage and increasingly part-time and increasingly tem-

porary. And these are parents trying to feed their families and pay their rent or pay whatever mortgage they can. Again, the competition is pretty stiff out there.

We've witnessed, in community after community, complete abandonment of support for those sorts of activities that used to involve young people and guarantee that they were going to have positive peer pressure and positive leadership from adults. In my community alone—and I'm convinced my community isn't like any other in the province—where user fees have become more and more commonplace, families are finding it more difficult, especially the less-than-wealthy families, to put kids into hockey or basketball or baseball in the summertime. I talk to these families—I go to many of the events where they're with their kids—and they tell me about how they have to ration participation in those activities for their children because of the new costs associated with it. And families looking for professional help for disturbed kids, kids who may well end up becoming serious delinquents, who may well end up becoming serious adult criminals if there isn't effective and meaningful intervention, find the door slammed shut in their face day after day as they try to access psychiatric services for their kids.

Let me get back to the issue of accountability because the courts have available to them all sorts of very creative sentencing options. They do. What are we talking about, telling victims to go to Small Claims Court and pay a \$50 filing fee and another fee to serve papers and another 100 bucks to set the matter down for trial? Please. Don't you understand that as part of the sentencing process the sentencing judge can order restitution? But that sort of thing isn't going to happen when judges are as hurried and rushed as they are. It isn't going to happen when there isn't a meaningful Victims' Bill of Rights and, more important, those resources, those staff in courtrooms, in police offices, in police stations, in police services, to work with and alongside victims to help them prepare the material alone so that the crown attorneys who are prosecuting these cases—yes, and getting convictions—can present that material in an appropriate way to a sentencing judge. There simply aren't enough probation officers, as there should be to, ensure that those types of orders, if judges had the time to make them, are being complied with.

So I'll join this government any day of the week when it comes to making sure that probation offices are properly staffed, to making sure that victim support offices are properly staffed, to making sure that crown attorneys' offices are properly staffed, to making sure that our courtrooms are adequately staffed with support personnel as well as judges, to ensure that victims have a role in the sentencing process and so that judges can use the law available to them, which means that victims don't have to go to Small Claims Court or General Division court or any other court to take their chance by way of a crashout in litigation against parents.

Nonsense for the Attorney General to say the amount for filing a Small Claims Court action is trivial. I told you

what it is. Didn't always used to be that range; it's as a result of this government increasing the fees for Small Claims Court. I told you, 50 bucks to file your claim, more money to have it served and 100 bucks to set it down for trial. So you're talking about victims being out at least 150 bucks, more likely closer to 200 bucks, right off the top, without any guarantees of success in a civil action, and even if they get judgment, without any guarantees of getting paid. There are other people here who understand this language more than I do. It's the phenomenon of being, I'm told by lawyers, inexigible. You can't get blood out of a stone.

Why isn't this government talking about facilitating judges imposing restitution and compensation as a part of sentencing orders so that the young offender himself or herself has to accept responsibility and personal accountability for compensating that victim, whoever that happens to be? I'll tell you why the government isn't doing that: because it's so much easier to fan the flames. Their embarrassment, that quite frankly should be shame, about their failure, this government's failure, Premier Mike Harris's failure, the Conservatives' failure to implement and enact a meaningful Victims' Bill of Rights, forces them to go off in all these other directions trying to create little firestorms here and there to distract attention from their real failure to address the rights of victims, the needs of families that are trying as hard as they can to deal with a delinquent kid before it is too late, in dealing with the real issue of law and order and public safety in our communities.

This government talks a big game about law and order. What do they enact? A squeegee kid bill, for Pete's sake. That's their idea of law and order: Go out and bust some squeegee kids. Make our streets safe, bust a squeegee kid, and if you want to go the extra mile, bust a panhandler. That's Mike Harris's version of law and order: Bust some kid, maybe with a few more earrings in his or her ear than you or I might be inclined to wear, and maybe hair not quite silver but more inclined to be green or what have you, who's trying to make a couple—think about it. This government's idea of law and order is grabbing kids who are trying to hustle a couple of bucks in an afternoon by providing a service, kids who quite frankly impress me as being somewhat entrepreneurial. That's their idea of law and order: Bust the squeegee kids. It has nothing to do with victims' rights; it has nothing to do with safer communities; it has nothing to do with nipping youth crime in the bud.

You know the stats: 45% of those young people in young offender court are there for the third time or more. The others, the ones for whom one appearance, for whom an arrest, for whom being apprehended by the police provides sufficient deterrence, we don't have to worry about. Those kids are never going to appear in court again.

This government wants to ignore the real crisis we have out there. You know as well as I do, and the people of Ontario know, that the single most effective deterrent to crime, regardless of the age of the perpetrator, is the

likelihood of detection. That is as axiomatic as any observation, as any conclusion can ever be, yet we have fewer police officers now than we did, per capita, in 1994. You want to start dealing with crime? Give our cops the resources. Give our cops the resources to restore youth bureaus that dealt specifically with—I don't know. Do you want to call it the youth subculture? At least they dealt specifically with young people and knew the young people, knew the schools, knew the elementary schools, knew the high schools and were able to get involved in these things before they grew into more and more serious crime. Give our police officers the resources so that there can be a meaningful police presence on the streets of both Toronto and small-town Ontario communities like Welland and Pelham and Thorold and St Catharines. There are nights when in the city of Welland there are but two police officers on patrol in the whole community. God help us if and when something tragic happens.

This government wants to try to present itself as the friend of the police, the friend of law and order, the friend of safe communities, yet all we've seen from them is a Victims' Bill of Rights that is a betrayal of victims. Notwithstanding the admonitions of Judge Day of Ontario and notwithstanding a year having passed, what does this government do about real victims' rights? Nothing. They present us with this hoax, again a total contradiction, merely restating the laws that exist and, if anything, presenting an image to young people who should be being held accountable for their conduct, "Oh, no, you can blame mom and dad."

Give the courts the resources, give judges the resources so that they can apply the law even as it exists now, so that they can impose restitution and compensation orders on young offenders found guilty, and give our justice system the probation officers who can ensure that

those young people comply with those orders. Then you'll have meaningful restitution. Then you'll have young people who truly understand what it means to have to be accountable for one's own behaviour and I predict right now that you'll reduce the recidivism rate significantly in the process of a mere 12 months. Do this, I say to Mike Harris, and you can reduce repeat offender rates significantly within but 12 months.

Give the families who have kids who are going way off track, who have kids who are entering that quagmire of delinquency, the resources they need to deal with that kid: the psychiatric services for youths, the counselling services. Give them back some of the support services we've had in our educational system, in our elementary and high schools, taken away by this government because of its passion for its tax cuts for the wealthiest, and I can guarantee you you'll reduce the rate of recidivism within 12 months.

I condemn this government for its hoax on the people of Ontario. This bill doesn't warrant support by anybody in this assembly.

The Acting Speaker (Mr Michael A. Brown): The time for debate has been completed.

Mr Flaherty has moved third reading of Bill 55. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

The vote will be deferred until tomorrow, during the portion of the standing orders that provide for deferred votes.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1755.

Evening meeting reported in volume B.

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N° 59B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 16 May 2000

Mardi 16 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 mai 2000

The House met at 1845.

ORDERS OF THE DAY

EDUCATION ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILITÉ EN ÉDUCATION

Mrs Ecker moved second reading of the following bill:

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / *Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.*

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I seek unanimous consent that the opposition have no more questions this week during question period.

The Deputy Speaker (Mr Bert Johnson): I'm going to have to look up the precedents for this just to be sure it's in order.

The Chair recognizes the Minister of Education to lead off debate.

Hon Janet Ecker (Minister of Education): I'd like to let you know that I'll be splitting my time with my colleagues from the ridings of Barrie-Simcoe-Bradford, Guelph-Wellington and Durham.

The goal of Bill 74, the proposed Education Accountability Act, is to keep Ontario firmly on the path to quality publicly funded education for our province's children. Parents have told us to ensure that students come first. They want school boards to be held accountable for delivering the benefits of Ontario's education reforms to their children. If it is approved by this Legislature, the bill will be an important step to securing and strengthening the benefits of education reform for Ontario's students. It will clarify province-wide standards in key areas of reform, it will provide enhanced authority for the government to uphold those standards and it will set new standards for lower average class sizes.

This bill confirms and consolidates important positive changes in education, changes that will increase quality based on challenging standards, changes that will ensure our priority is to direct more resources to the classroom

and changes that will improve accountability to students, to parents and to taxpayers.

Before I get into the specifics of the bill, I think it's important to remind the members of how far we've come in meeting the commitments we made to the voters of Ontario, commitments that we made to ensure more accountability and better quality. From the start of our mandate, we've made key commitments to education reform. I think it's important to recognize that before we took office in 1995, there was a great deal of consensus around the need for change in education. I've mentioned many times the report of the Royal Commission on Learning that was released in 1994 and supported by all three parties. It reported on the urgent need for reform. It's easy now to forget that in the early 1990s there were parents, teachers and taxpayers who were organizing themselves into lobby groups to demand a better education system.

I also would like to point out there was a story in the Toronto Star, an editorial in 1993, that actually gave a failing grade to our schools and reported a tidal wave of parental anger and frustration with the education system. So there very much was a recognition of the need for change.

I must say too that recognizing the need for change doesn't in any way mean that we don't recognize and acknowledge that there are many good things in the education system. There are many excellent teachers, many committed staff, many people who are committed to the public education system. But at the same time, all three parties very much recognize that the education system we inherited in 1995 was in serious need of repair and revitalization. It was outdated, it lacked focus and it definitely needed a new direction.

The electorate of Ontario certainly recognized this problem as well. They charged us with the major responsibility to meet this challenge. We've certainly moved forward with our plan to do this, with the initiatives that we actually laid out before the election in 1995 and again in 1999, initiatives that emphasize quality and excellence through higher standards and more accountability.

We are now starting to see the benefits. We have a more rigorous curriculum, with clear expectations, that is better preparing our students for their future. We are testing students to ensure that they are indeed learning this new curriculum. We have clear, understandable report cards for parents. We have changes in secondary schools to better prepare our students for either their post-secondary destinations or directly into the work-

place. There's more money going into classrooms, another important priority. There are more new schools, as I mentioned in the House last week, to get our children out of portables. We've had almost a 10% reduction in the number of portables—very important in those high-growth communities. There's a much stronger role for parents through the school council and other initiatives.

We're starting to see the benefits of many of those improvements, but we also recognize very clearly that the job is not over. That brings us to the legislation that is the topic of discussion tonight. I'd like to go through some of the key areas, and my colleagues will certainly be following up with other information about this.

The first very, very important issue has to do with what we like to call co-instructional activities, or what sometimes the public sees as extracurricular activities. With this bill and the amendments that we are proposing, we want to recognize in law the clear importance of co-instructional activities, how important they are to give our students a quality education. The language of the bill itself indicates the importance of ensuring that an excellent co-instructional program is available to all students throughout the year. As it says, co-instructional activities:

“(a) support the operation of schools,

“(b) enrich pupils' school-related experience, whether within or beyond the instructional program, or

“(c) advance pupils' education and education-related goals.”

These activities can include things like “school-related sports, arts and cultural activities, parent-teacher and pupil-teacher interviews, letters of support for pupils, staff meetings and school functions”—the list is quite lengthy. We recognize the importance of these programs in key provincial policy documents, like our high school Program and Diploma Requirements. It states that co-instructional programs “provide students with opportunities for enrichment, the development of social skills and independence, and practice in making decisions and handling responsibility.” Participation in these activities is also a good way to build positive relationships within a school community, between the teachers and the students, different groups of students, between the home and school. They're very, very important.

I'd also like to recognize that many committed teachers provide such experiences. They spend many hours beyond the formal instructional day on these and other activities because they enjoy them, certainly, but they also recognize that they're very much a benefit to students and help enhance and improve the education that those students receive.

Teachers have also very frequently said that they consider these school-related activities outside the hours that they actually spend in a classroom as very much part of their professional responsibilities, part of the job they do. Whenever we have looked at issues like instructional time, as we'll talk about a little later, we've heard the message very clearly that that's not all that teachers do.

It's a very important message, because it is indeed true: That is not all that teachers do. They do much above and beyond simply standing in front of a classroom.

Parents also know very clearly that these activities are not extra, if you will. Parents expect these opportunities to be provided for their children. Unfortunately, we've also heard another story, a different story, about co-instructional activities in many communities, a story in which the availability of these programs, which provide so much to students—a story where these programs have been used as a bargaining chip in contract disputes between unions and school boards; stories of cancelled graduation ceremonies; letters of support for students for scholarships that have not been delivered; students not being allowed to officially register for regional track and field championships; about teachers who have been intimidated by some union members and have been prevented from offering these important activities for students; about communities where these activities have been withdrawn completely or where the threat of withdrawal has been put forward.

Parents have said very clearly that this is not acceptable for their students, and we agree. Ontario's students should not be pawns in labour or political disputes. So in the proposed legislation before you for consideration this evening, we seek to address this issue in a number of ways.

The first step is to state in the legislation that each board will develop a plan for the delivery of co-instructional activities. The second piece is that the school principal, in accordance with the board plan, will develop a school-based plan to provide these activities. Third, in developing that plan, the principal will consult with the school council, with the parents of that school community, to develop the plan. Fourth, if required, the principal will have the ability to assign these activities to make sure they are indeed provided for the students in that school.

I'd like to point out that despite what some of our critics are saying, this doesn't mean that every teacher will be doing everything. It doesn't mean that the art teacher is going to be coaching the football team. But it does mean that there is a mechanism in place to ensure that our students do not lose out on these important co-instructional activities.

The second major issue in the legislation has to do with instructional time. This is another important initiative, because while the activities that teachers provide to students outside regular classroom hours are important, maintaining province-wide standards for the amount of time that teachers spend in classrooms with their pupils is also an important part of this government's plan to improve student achievement.

The Education Improvement Commission in 1997 reported that secondary school teachers in Ontario were spending significantly less time teaching in the classroom than their counterparts in other provinces. The commission recommended to this government that this time be increased. We agreed and we set a province-wide stan-

dard that required high school teachers to teach, on average, four hours and 10 minutes a day. This moved our teachers closer to the national average for teaching time in Canada, which is actually a little higher: four hours and 20 minutes a day. We set this standard of four hours and 10 minutes a day two years ago. Unfortunately, many boards and unions negotiated agreements that did not comply with this standard. I said very clearly as bargaining began this year that we expected boards to be in compliance with this workload standard and that we would not accept boards using money given to them for other purposes—for example, in some cases textbooks—to be subsidizing, if you will, a decreased workload. Also, teachers' unions and school boards both had requested that if we were going to close this loophole, if we were going to be firm and enforce this workload standard, we would have to clarify what teaching duties the standard included and certainly we heard the message that if this was to be done, it had to be fair to every community.

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Our proposed legislation does indeed do that. It would restate the instructional time requirement in terms of course load. This change provides a definition of "instructional time" to actually better reflect the practical requirements of assigning duties to teachers in a secondary school. The standard we sent out two years ago, the four hours and 10 minutes, or 1,250 minutes, as it's sometimes expressed, or as the unions have said, 6.67 out of eight—we've defined it in a clearer fashion that recognizes these practical requirements. It sets the standard as 6.67 eligible courses per school year. And we define, again so it's very clear, that an eligible course includes a credit course, obviously, that a student takes for a degree; a non-credit course if required for a diploma or certificate; a special education program; or remedial courses—an important distinction—including the teacher adviser program. Each school board would be required to ensure that its secondary school teachers are teaching an average of 6.67 eligible courses during the school year.

I go back to the remediation point, because this is an important improvement in how we have set this standard. Remediation and the teacher adviser programs were not specifically recognized in the original definition. Teachers said that remediation was extremely important, especially with the new curriculum, with its higher standards. We agreed, and we've included it in instructional time. We've put almost \$90 million towards making that happen, which I think is an extremely important commitment.

I should say that how we define remediation—because I understand there's some concern about this—is that the amendments, as I said, recognize remedial help as instruction. It says that it must take place in a regularly scheduled class, with a teacher qualified to instruct them. For example, a remedial math class for grade 9 would have to be taught by a teacher qualified in teaching math. We have a definition again to make sure it is clear.

I know it may be a little confusing for our viewers when we talk about this standard, but I think it's very

important to know that it is the equivalent of the four hours and 10 minutes originally set two years ago.

It's also important to recognize that this standard does provide flexibility, because we recognize that teachers have different kinds of workloads and courses they must deal with. Principals, under these amendments, would be able to continue the current practice of assigning different course loads to different teachers based on the needs of students and what works best for their schools.

The third important area deals with making sure that our education quality standards are indeed being implemented. As we set higher standards, as we set standards to ensure better quality, we need to ensure that those standards are actually being met by school boards and that school boards are accountable for doing this. The Education Improvement Commission just reiterated in their most recent report the need for greater accountability in our system around these kinds of issues. So these amendments will strengthen school board accountability as part of our plan to continue improving the quality of education.

If these amendments are passed, they will give the province the ability to take steps in the interests of students if the local school board is not meeting its legal, educational and financial responsibilities in key priority areas.

Under the proposed legislation, the minister would be able to direct an investigation of the affairs of a board if the minister has concerns that the board may not be in compliance with important key reform areas, like:

—The new curriculum.

—Co-instructional activities, as I mentioned earlier, or, as some people know them, the extracurricular. So co-instructional activities would be part of this.

—Class size requirements. As you know, we're trying to bring class sizes down.

—Teaching time requirements.

—The amounts of monies that go to trustees.

—Requirements that certain funds allocated through Ontario's student-focused funding model must be spent in the areas to which they are targeted. For example, grants for special education must be spent on special education. As I mentioned earlier, in some boards money that had been given to them for textbooks had been used to subsidize a lower teacher workload.

This proposed legislation would deal with some of these important areas.

The bill proposes a fair and objective process to determine whether there needs to be action, whether there needs to be an intervention. These amendments adopt a process that is similar to what's already found in the Education Act for investigating and, if necessary, supervising the affairs of a school board that may be mismanaging its finances. That's a provision that's been in this legislation for more than 50 years. It's a model that has been very helpful and useful and worked well, so that is the model we have adopted for these other important issues.

A minister would also be able to initiate an investigation if there are concerns that a board may not be in compliance with some of those important priority areas I mentioned, or—and this is another important piece—if a complaint alleging non-compliance is received from a school council or a group of taxpayers, again getting back to the importance that we believe taxpayers and parents and the school councils have in education. If a minister were to receive a complaint, the minister could direct an investigation, provide a written response to the complaint setting out the reasons for perhaps not following through with an investigation. We'll be outlining further details on this very important complaint process in the regulations.

Following an investigation, a minister would have the authority to direct a school board to correct any non-compliance. I don't think this will occur, but if a board were to defy the law, the government would have the ability to temporarily place the board under supervision to assume control until the problem was resolved. Following such an order, members of a board who vote to break the law would be guilty of an offence with a maximum fine of up to \$5,000 upon conviction. Also again as currently exists, in certain circumstances there could well be disqualification from holding office under the Municipal Elections Act or the Education Act. Any officer or employee of a board who failed to carry out such orders could be dismissed from office or liable to a fine, again of up to \$5,000 upon conviction.

Yes, there are penalties in this legislation. They mirror some of the authority that is already there, but also underline very clearly the importance that we see to reform initiatives like curriculum, for example, like class size.

That brings me to the issue of class size, the final major issue that this legislation deals with. This will enable the province to ensure that, among the other standards I've mentioned, maximum average class size standards would be upheld. Before 1998, many parents had expressed concern that these large class sizes were adversely affecting their children's ability to learn, and it's certainly something you hear from teachers as well. As part of our commitment to provide a quality education for each and every student, we've set in the legislation maximum average class sizes of 25 students to each teacher at the elementary level and 22 students to each teacher at the secondary level. When these province-wide standards came into effect at the start of the 1998-99 school year, they clearly ended a province-wide trend to increasing average class sizes, and stopped the practice of some school boards and some teachers' unions negotiating increases in class size as part of their contract bargaining.

Average class size, because of that legislation, has declined overall already. We do have examples. The Simcoe Muskoka Catholic District School Board's elementary average class size decreased from 27 students down to 24, a significant change. York Region District School Board's secondary average class size went from 24 down to 22.

So we had seen some improvement, but we still continued to hear from parents, from teachers, that there were still too many classes that were large, and that was something that for good, quality education they felt we needed to address.

In this legislation we propose to take another step to do this. We will have a lower average class size in the primary grades. For junior kindergarten to grade 3, we'll bring that down to 24 for children in the primary grades. We've heard the minister with responsibility for children talk about the importance of those early years before school, but also for those primary grades in school. This will bring that class size down. There will be a lower overall maximum average class size for all elementary classes, JK to grade 8, to 24.5 pupils to each teacher, again an important change. For secondary schools there will be a maximum average class that will come down to 21 students to each teacher. All of these smaller classes will come into effect this coming September. To achieve this reduction is important, but I think it's also important for taxpayers to recognize there is a significant investment required from this government. As was announced in the budget for the elementary changes, the elementary school level, it will be over \$100 million a year. That's additional funding, permanent funding. In the secondary panel we will be providing an estimated \$162 million in funding to support the lowered maximum average class size in secondary schools.

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School boards will be required to report annually to the public on their average class size—again, that's an important accountability measure to parents—and they'll have to do it both by school and on a board-wide basis. These reports, which must be submitted to the ministry by December 15, are also available to the public and to school councils, and the boards must use a consistent province-wide method to calculate their average class sizes.

So these are the four key areas that this legislation proposes to deal with. The amendments support our focus on students' progress towards quality education. I'm confident that these amendments will help move us towards even better-quality education and better accountability, and they certainly signal our government's firm and continuing commitment to achieve the promise of education reform for Ontario's students. I certainly invite all members to join with me in putting students first by supporting these amendments.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to follow the minister and join in the debate on the Education Accountability Act. When you look at the title of this act and we talk about accountability, those are the ingredients of the standards the public expects should be set by the province for the delivery of education. We're talking about co-instructional activities. We're talking about class size. We're talking about instructional time.

The Education Act and also this Education Accountability Act set out very clearly what the roles are with

respect to the minister's powers in dealing with education. I think it's very clear, based on the election that we went through in 1999, that the public expects the province to set the standards for education to ensure that there is quality education delivered and that such fundamental areas as co-instructional activities, class size and instructional time are not negotiation tools which will infringe on or weaken the foundation of a quality education. The minister touched on it somewhat, where we found boards had negotiated increased class sizes in exchange for compensation, and where we had in the set of negotiations in 1998 and 1999 situations where co-instructional activities—also termed by teachers' federations as "extracurricular activities"—were used as a negotiation tool to get what they wanted, in terms of withdrawal of the particular activity.

Those approaches to dealing with education, because we have to put the student first, are just not acceptable. So the framework that has been set up under the Education Accountability Act mirrors the Education Act in terms of responsibilities and powers, the minister's role, the school board's role, the principal's role at the school level and also the teacher's role at the classroom level, and very clearly sets out, very clearly delineates what is the standard and what is expected.

In the time that I have tonight, I want to speak on co-instructional activities and exactly what that involves and exactly what we're trying to accomplish with that particular section of the act. The legislation makes very clear what co-instructional time is and I will deal with that in due course. But in terms of the accountability aspect, the proposed legislation makes it a duty of a board to provide co-instructional activities; it also makes it a duty of a teacher to participate in co-instructional activities; and finally, it makes it a duty of a principal to assign co-instructional activities. There's also an element with respect to the board putting together a plan that obviously has to be followed through at the school level by the principal, and also an obligation on the principal to consult with the school council with regard to that co-instructional plan that is being developed for that particular school.

That is something that is sensible. It's the way the system works now and obviously it is what is necessary. When we're looking at co-instructional activities, that's what brings about a quality education in terms of rounding out what the community is, because that's what a school is: It's a community. You have to make sure that all those activities which would normally happen in a community are not something that can be bargained away, something that can be weakened to take away from what that special system is. Traditionally, many teachers have been involved in a wide variety of sports or cultural activities. You know, it's not just the sports teams; it's also dealing with graduation exercises, activities with respect to the arts and, as I said, cultural activities.

We think that in terms of dealing with co-instructional activities the focus with respect to what is happening out there already shouldn't be something that can be used as

a tool to forward the agenda of something that is related to a labour relations perspective and take away from the community activity that we're trying to deal with. Certainly that's not defined under the Education Act at this point in time. But the Education Accountability Act defines and provides that co-instructional activities are activities other than instruction that support the operation of a school and enrich pupils' school-related experiences. I think the operative words in the definition are "support the operation of schools" and "enrich pupils' school-related experience."

The proposed act defines co-instructional activities to include sports, arts and cultural activities, parent-teacher and pupil-teacher interviews, staff meetings, school functions etc, and the intention is that the board develop and implement a plan for the delivery of co-instructional activities. They're the delivery agent with respect to education in this province: the school board level. A principal, in accordance with the board plan, develops a school plan to provide co-instructional activities and assigns teachers to the activities. That's what the principals do now when they deal with running a school and assigning duties. That's not new. What we are also looking for is for the principal to consult with school councils about the school's plan. As well, a teacher's duty is to participate in providing co-instructional activities, as assigned by the principal, and these activities may take place at any time and any day during the school year, whether or not a school day, on school premises or elsewhere, as set out in the board's plan.

So clearly, with respect to co-instructional activity, the board has the responsibility to develop the plan so the principal can implement that plan at the school level and so the teacher can follow through on the duties that are being requested. The act makes it very clear that co-instructional activities being used as a negotiation tool in terms of withdrawal of services or a partial withdrawal of services cannot happen and states what the consequences are to the respective parties, be it a trade union, federation or a person who is going to engage in that activity.

The clearness with respect to the responsibilities is what makes this act what it stands for in terms of accountability, and I think that's what's expected in terms of managing the educational system in this great province. Co-instructional activities, from the principal's perspective, from the teacher's perspective and from the board's perspective, are something that are a part of their everyday routine; something that students look forward to, depending on what the activity is, be it sports, be it arts, be it cultural; and certainly something that the parents expect with respect to a proper and balanced education for their children.

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So on this part of the legislation, co-instructional activities, what we have done here is made it very clear that we don't want this particular aspect to negatively impact on co-instructional activity in our schools. The importance of extracurricular activities is something you hear about as an MPP, because whether it's a swimming pro-

gram or something the students want to participate in, the decision is made at the school level about what co-instructional activities they're going to provide. That's where you have to prioritize in terms of what is expected and what is needed with respect to that particular school. That's why the school councils have a role to play, obviously, parents representing the students' interests in this particular aspect. I think it's very balanced in terms of trying to get input from school councils with respect to what the principal's going to be implementing. I would expect the principals to be having input with the school board at that level.

Not every teacher gets involved in co-instructional activities. There is an opportunity for all teachers to be involved, but some choose not to be. That doesn't mean it has to turn into a negotiation tool or something on which everybody takes a position when it comes to labour relations negotiations. That's wrong, and that's why when you look at how the province manages the education system in terms of the standards they set—certainly the public expects standards with respect to classroom size, they expect standards with respect to instructional time, with respect to dealing with report cards and the other reforms we've brought into place. Those things have to be set out so everybody knows what's expected of them. It's for the school boards to implement that particular quality standard the public has come to expect.

That aspect of it encompasses the entire community. In my area of Barrie-Simcoe-Bradford, one of the larger electoral areas in the province, with two large school boards, there are tremendous challenges, not only in terms of geography, the areas covered, but also the needs of every school and the needs of the communities within that particular area, because in Simcoe county there are 16 separate municipalities. The Simcoe Catholic board also extends into Muskoka, and they're a larger geographical board.

So the balances that have to be put in place with respect to co-instructional activities are something the boards already handle. They now know how and what is expected of them and that they can't be interfered with or used as a negotiation tool to impact. How they deliver that particular aspect of their school program is something that parents, students and, I would expect, teachers and principals welcome, because it is an important part of our education system. It balances it and brings all aspects to what is supposed to be an education, not only in the curriculum students are expected to learn but also in the activities they feel are important to the quality not only of their education but also of their life. When you deal with sports and cultural activities and arts, you're dealing with something that people generally, beyond when they leave secondary school, are going to participate in and perhaps even make their vocation.

I'm very pleased to have been able to speak on second reading debate of the Education Accountability Act. I will relinquish my time to the member for Durham.

Mr John O'Toole (Durham): I'd like to thank the member for Barrie-Simcoe-Bradford for sharing his time,

as well as the minister. I listened with some interest to the minister this evening, as I have all along. She started by suggesting she was prepared to listen and work with people, and I quite honestly mean that's the impression I got. There have been difficulties. No one on either side of this House would deny that.

Why would I start with that premise? We're going to hear some technical definitions or interpretations tonight, because I know the opposition are here, as they should be, listening. It's important to start with yourself and really look at it. I'm the parent of five children. My wife is a teacher, I might say successfully. My daughter Marnie has graduated from Western and from Lakehead University and will be a secondary school teacher this September. In fact, she was teaching today. Both my wife and my daughter love teaching, as do my sisters and others in my family who are teachers. Sometimes they're at odds with me. It is a topic of not just this past weekend, when my son Erin was home from Halifax, and my nephew Ryan Brooks, who's a principal, a young principal, I might add, just outside Peterborough—they have had difficulty relating to me as a non-educator, although I am an educator. As a parent I'm an educator.

You have to go back even further than that. When I was first elected as a school trustee, Mr Conway, who is here tonight—the member from Renfrew somewhere; it's most of eastern Ontario he looks after, Renfrew-Nipissing-Pembroke—was about to become the Minister of Education. In fact, I've always remarked that it was my duty, being the representative from that area and I think vice-chair or something at the time—he was the Minister of Education and came to announce a new school. In the old days, a new school was like a pontification from the ministry. It was this great political weapon of getting a new school, and we had huge growth. But today I would say respectfully that we've taken all the anxiety of the grants for capital out of the political process and put it where it belongs: where the students are.

Education reform, Mr Conway would know, whether it's the pension system, which was dealt with some years ago and is still a problem today—I would say almost every government has had some kind of royal commission on it. To say there haven't been some problems would be absolutely not paying attention for the last 15 years or so. Most of us in this House have spent some time as a trustee, I myself for a couple of terms, maybe longer—longer than I care to remember. I look back to the previous government and I think of David Cooke, now on the Education Improvement Commission, and his time as the Minister of Education. I think the first four bills we introduced in this Legislature were as a result of discussions and deliberations of the previous two governments, both the Liberal and NDP governments.

John Sweeney was a Liberal cabinet minister, of course, who led the discussion on the governance model in education, how much of the \$12 billion to \$14 billion in education was actually being spent on governance. I think there were some 130-plus boards in the province. It affected my area significantly. I had five boards in my

area, not including the Christian schools, that is, the private or denominational schools, which of course aren't publicly funded.

All I'm trying to establish is the need for reform. Style and substance are two quite different things, but I think everyone here would agree that the need for reform was essential. If they don't, they simply have not been paying attention. I would go back as far as the Hall-Dennis report and say that reform started but was poorly directed at the time. Intentions were well-founded but the outcomes were less than adequate. I think I have established, without having a lot of time to spend on the need for change—I'm always very reflective on trying to convince both the viewer and the people in the House here tonight—that change was necessary.

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As a concluding remark on the necessity for change, the motive for change was not just the Sweeney commission on the governance model but the Royal Commission on Learning. Monique Bégin and Gerald Caplan led that debate and came up with a report that had, I believe, some 167 recommendations for change. I might say to those listening tonight, one of those recommendations was the need for teacher testing. They called it something different; that's where the semantics and the politics of the media come into it. But what they were saying was that we had to move forward with change.

The medium of education delivery itself has profoundly changed from when I was a student in OAC many years ago. At that time there were departmental exams. That set very clear standards. I always recall—and if we don't learn from history, we're doomed to repeat it—that when I was in grade 13 there were two people in the class who were extremely bright. I wasn't one of them, by the way. Both of them have PhDs today. Both of those people, who were Ontario scholars, have PhDs. Both teach in Ontario universities today. I'm proud to say I know them. I represent very ordinary Ontarians, hard-working Ontarians, the people who pay taxes and obey the law. That's who I represent. A parent of five children: That's probably my biggest qualifier. Any post-secondary education is purely from tenacity and hard work, not from brilliance.

I've established the fact that change was absolutely critical. I don't think anybody would disagree. When we came in, we looked at introducing some of the recommendations of both the Sweeney commission, which reduced the number of school boards to I believe 67—let's just dwell on that one piece and the importance of that one piece on education. Let's say in simple round numbers that the budget for education, elementary and secondary, was around \$12 billion. It was a confusing complex of how it was funded on the local levy part, which was an equity issue—dealt with by the Fair Tax Commission, who said education should be publicly funded and all children should be treated equally. We're trying to get there; we're trying very, very hard to get there without much time to debate that. Let's say we were spending \$12 billion and let's say we eliminated half the boards. Let's say that of the \$12 billion, roughly

Let's say that of the \$12 billion, roughly 10% was spent on administration. That would be \$1.2 billion. If we eliminated half the boards, you would think there would be savings or efficiencies that didn't affect the classroom. Half of \$1.2 billion is \$600 million. I would think, without doing any more math than that, that there would be efficiencies. If, for instance, those efficiencies were just ingested into the system and could not be clearly demonstrated as going directly into the classroom—I personally, as a parent, as a taxpayer, as a former trustee and a spouse of a teacher, believe that the system has to provide first for the children, absolutely first for the children in the classroom.

I'm going to expand on a model that I think is quite simple, in the remaining time I have. I have to share my time with the member for Guelph-Wellington. An average school model might be 500 students in the elementary panel. Let's say that for each of the 500 students, the approximate funding would be between \$5,000 and \$6,000. For those listening tonight, let's keep it simple: 500 students at approximately \$6,000 each is about \$3 million going into that school. We set ratios of class size at 25 to 1. You can do the numbers. With that budget of \$3 million, you could almost—I want you to sit down tonight and just pencil in the numbers. For 500 students with \$3 million in the school—I've done the numbers—you could give each child \$100 a month for busing and to pay for the school and still not be able to spend all the money. What has happened is we have too far many conventions in California and too little chalk left in the classroom.

Mr Rosario Marchese (Trinity-Spadina): That's it. That's the problem. There you go.

Mr O'Toole: That's exactly the fact. Everyone who's legitimized in education "has to have a PhD." I put it to you that the best thing you need in the elementary system is a caring person with a post-secondary education in a subject that's related to learning.

I've gone through this bill, because Bill 160 received a lot of time in this House and outside the House. There are four fundamental changes here. I'm just going to repeat those and then I'm going to allow the member for Guelph-Wellington to complete my speech.

The member from Barrie-Simcoe-Bradford covered co-instructional activities. It was a very important part of my children's educational life in high school. On class size, not just Mustard but many studies in the elementary system—there isn't as much evidence, by the way, in the secondary system—show there's a correlation between class size and learning. In primary education it certainly is important. There's evidence there to support that.

Some subjects are more difficult than others. Instructional time is very important, but I think the big piece here is co-instructional time. That's the importance of having time for art, music and culture in the life of a student in secondary school. It's very important. It's hard to quantify. I think educators should be involved and certainly should be paramount; I also think parents and

senior students should be involved and learning teachers should be involved as well.

Getting down to this whole thing of instructional time, I remember clearly the clock ad. It's going to upset everybody. I hope we don't have to play that one again, but it was a very simplified demonstration of what is actually in-the-classroom time and outside-the-classroom time. If you do the numbers, 1,250 minutes per week is 21 hours or something like that. I think there's absolutely every evidence that there's some necessity for preparation time.

I'd like to keep it simple. Perhaps I'm off message here. I'm putting down all my notes so I can come clean. I would just say this to you in my last minute: I'm trying to influence the best outcomes for the students here. If I was to think of seven hours a day as a normal day—and I'm not trying to be smart here; I'm just trying to say of course we could say we only sit here from 1:30 till 6 at night or 9, whatever. My point is this: That core time of seven hours in the facility, of which four hours and 10 minutes is teaching—it's actually not four hours and 10 minutes; it's 6.67. You do the numbers. Let's say they do four periods. At an hour and 10 minutes a period—do the numbers. They need prep time; no question about it. Some subjects need more prep time than others. When you have a union mentality, it means that everybody's doing the same thing. Experienced teachers in calculus probably need less time. I think the profession should come forward and say: "Look, we need a seven-hour day. We need a five-day week. We need 190 teaching days. We need to have 110 hours of credit."

The most important thing here is quality education and putting the student first. The member for Guelph-Wellington is going to add more details with respect to the bill, but I'm interested in listening to the whole debate over the next several days.

Mrs Brenda Elliott (Guelph-Wellington): I'm very pleased to have an opportunity to speak to this Bill 74. The long title is An Act to amend Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience.

When we come to this place from our various backgrounds, it's always interesting to learn what each of us has done in years past. I'm a mother of four, all of whom have been in the public education system. My last and youngest, Gregory, is about to graduate this year, so I will no longer have any more children in elementary or secondary schools. All of those years, until I was elected to this place, I was very active in supporting our local schools. I was one of those members of parent councils who sold cheese and all those kinds of things. Those are not new since the Harris government was elected; those have been going on for many years in our riding.

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One of the main things our government undertook when being elected was to make improvements to the education system and the emphasis, absolutely, has been consistently on improving the quality. What I didn't say was that prior to starting my family and raising my chil-

dren, I was also educated as a teacher and taught for a few years upon graduation. I enjoyed that profession very much. It was something I had wanted to do from, I guess, my early teens. I somehow felt I had an affinity to being a teacher and I think when I was in the classroom I was a very good teacher. There are many teachers across this province who are indeed excellent teachers.

But it became apparent to me and to so many others that there was something wrong within our system. While my children were at one school, it fell upon my shoulders at some point to organize parents all across our county to—actually we said we were assisting the board; what was really occurring was that we were going over and around our school board because our school board could not seem to find it within their ability to get money for new schools. A group of parents and myself as the leader got together and we determined that our county of Wellington was at the time actually growing faster than Peel. Our board seemed unable to get money from the province. They seemed unable to build schools. There were portables here and there, all over the place. Children in school were being threatened with being put into church basements and here and there, all over the place. It was very evident for many years that the funding system within this province was deficient in so many different ways. I was very pleased to see our government undertake to establish a more fair, focused student funding model across this province.

The bill that we're debating today, the Education Accountability Act, is a follow-up to Bill 160. As my colleague before me indicated, there are four key areas to this bill. They deal with co-instructional activities, class size, instructional time and compliance with board obligations. We, as a government, have taken a very clear leadership role in setting directions for the boards, for teachers in their classrooms, and our focus has always been to improve the outcomes for the students, to improve their educational opportunities.

What I'd like to speak to specifically tonight are the issues of class size. In my board, as in so many other boards, over the years the class sizes seemed to grow. I know there's no pedagogical evidence that indicates that smaller classes produce better students and with higher marks and so on and so forth, but parents and teachers and, I think, students understand that the more individualized the opportunity for instruction, hence smaller class size, the better the educational experience. Our government set province-wide standards that ensured the trend to larger class sizes did not continue in this province because we recognized this was absolutely essential for quality education in Ontario.

Since 1998-99, school boards in the province have been required by our government to ensure that, on a board-wide basis, the average class size does not exceed 25 students in elementary and 22 in secondary. We've supported that through the focused funding model and I'm pleased to say that the evidence indicates that all the boards have either met or in fact exceeded that. We've decided there's more yet for us to do, so we are now

putting into legislation new standards for smaller average class sizes.

The recent budget that was just introduced was very well received and two of the reasons it was very well received were that we have added an additional \$101 million annually to reduce average class sizes at the elementary level and also \$162 million to reduce the maximum average class size at the secondary level. The change that will occur for class sizes, if approved under Bill 74, will be that the board average class size will be 24 for each teacher at the primary level, which is of course junior kindergarten to grade 3, 24.5 pupils to each teacher at the elementary level up to grade 8, down from 25, and 21 pupils for each teacher at the high school level, down from 22. School boards will still have the opportunity to have local input, will have the flexibility to implement these limits in a way that best suits the needs of their students. We have always respected the ability of the boards to make decisions that are required by their local areas. They can also tailor the legislative requirements to accommodate things like class size caps for certain grades. I understand some boards are already working on that.

While I have just said that we respect the boards' ability to respond to the local needs of their students, we have also in this legislation ensured that school boards report publicly to the minister on their average class size, by school and on a board-wide basis. We're doing this because it's very important that the school boards are accountable. So many parents have come to me in my riding over the years, very unhappy because they had a really hard time getting direct, clear and straightforward answers from their boards. Parents want to be assured that when they send their children off to school in the morning they are getting the very best educational experience possible. When it's difficult to get answers about class sizes, when it's difficult to get answers about a teacher's accountability, for instance, or about a specific program, it makes the parents uneasy.

I know that our minister, our Premier and I are very confident that the members of our government want to do everything we can to make sure that our public school system is the best it can be. I believe this legislation is necessary. I think it is going to go much further in enhancing the quality of classroom life for our students. Education is very important, not only in the broad economic picture of Ontario, because the future of so many industries is going to be brains rather than brawn, but it's the right thing to do. We owe it to our children and we as leaders have an obligation to ensure that all of the partners in the system, be they the teachers' unions, be they the boards or be they the teachers, do everything they can to be the very best at a time when children are at a vulnerable state and are absolutely relying on us for leadership.

I am very pleased to support this bill. I congratulate the minister on this bill. I believe it will go far to making education better in Ontario.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I certainly do have a great deal to say about the proposed legislation that we are debating this evening. I'm pleased to be able to make some comments on what I've heard, the debate that has taken place so far. The member for Durham made some references to prep time, that this legislation would tighten up prep time and how it would be used within schools. He made some references to the fact that some subjects might require more prep time than others. I have to say I was really taken aback that an individual who indicates that there are a lot of educators in his family—his wife is an educator, his children have become educators, he's a former school board trustee—would make a comment about prep time, relating it to the particular subject.

Prep time is that opportunity for teachers to make individual plans for their students. If they have a number of extraordinary students, exceptional students, students who have particular needs, this is an opportunity for them to make plans in their program on how they will deliver the curriculum, how they will fashion their program to deliver that curriculum. To even suggest that prep time has anything to do with subjects, in my opinion, only reflects that the members on the other side of the House really don't understand how education works and what prep time really means.

If we were judged in our roles by the amount of time we spend in this room and it was assumed that we only work when we're sitting here, that would be a very unfair assumption in terms of the effort we put forth on behalf of our constituents. Likewise, I think it's equally unfair to suggest that teachers only work when they're in front of students in classrooms.

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The Deputy Speaker: Comments and questions?

Mr Marchese: I just want to say to the people watching that I'll be on at 9 o'clock in case you want to hear my views. It's not worth wasting the couple of seconds that I have, except to remind the good folks that in approximately one hour I'll have a few remarks to make.

Mr Wayne Wettlaufer (Kitchener Centre): I'd like to go back in history a little bit, if I may, to the days when I was in high school. They call it secondary school now. I know the member from Renfrew and the member for Kingston and the Islands might say that's ancient history, but we'll just pass on that.

When I was in high school, I took part in track and football and basketball and major play. I remember very well that the teachers took a very active part in that and they exemplified great leadership. To them, I say thank you and I am very appreciative. But I do want to comment that times have changed. I see, from a number of my relatives and friends that, yes, they are under a lot of pressure, but teachers today don't recognize that people outside of the teaching profession also have great pressures. It is a change that has come on to society not just in the education field but outside of the education field.

I don't think any one of us wants to attack a teacher. Certainly I won't be a part of that. But I would like to

comment that when I see things that are happening, such as in the Durham area, where teachers are not taking part in extracurricular activities, that hurts the students, but it also hurts the reputation of the teachers. This is not constructive. If a government is to take a leadership role to the benefit of the students, then we must make some change to the legislation to ensure that the students are protected, to ensure that what has happened in Durham does not take place in another part of the province.

I really believe that this legislation, this clarification, is necessary.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'll have an opportunity to speak a little later this evening, but I do want to comment that I was more than a little surprised that the member for Durham would see fit to give reference to the clock ad tonight. The member from Kitchener-Waterloo says he wouldn't want to attack teachers. That's the government's line of the evening, which makes it even more surprising that the member for Durham would want to raise the launching of a direct frontal attack on teachers—the clock ad, which was a deliberate misrepresentation of the work that teachers do; the clock ad, which was an absolutely shameful abuse of taxpayer money to launch an attack on people who teach our children and an absolutely shameless attack on a group of people that the government comes into the House tonight and pretends it wants to value.

It was 32 years ago that I first ran for school board and in some 32 years I've had a lot of experience with teachers, as a school trustee, as an MPP and as a parent of four kids who have gone through the school system. The majority of teachers whom I have met over those 32 years are people who simply love to teach kids. One of the things that reassured me over those years was that no matter what unusual things school boards might do, no matter what crazy things would come down from Queen's Park, no matter who was in government, teachers would still go in and close the doors and teach kids. And no matter how beaten up they felt, teachers would still go back, for their love of kids and their commitment to kids, and go above and beyond what their job called on them to do.

This afternoon I met a class of students from a little town of Upsala on a trip to Toronto, Ottawa, Montreal—the kind of thing that school kids from my part of the province get an opportunity to do because teachers believe it's important to give their students that kind of an experience. On Saturday night I was at an awards of excellence put on by the secondary school teachers, in which we recognized the achievement of students. All of those achievements were made possible because of the commitment of teachers, those same teachers being devalued by this government, and that's why this has nothing to do with quality teaching tonight.

The Deputy Speaker: The Minister of Education has two minutes to respond.

Hon Mrs Ecker: The member for Thunder Bay-Atikokan is quite right that there are many teachers out there who go above and beyond, and political fights—

Interjection: Why don't you say that more often?

Mrs McLeod: So why do you beat them all up?

Hon Mrs Ecker: I have said that on many occasions and I will continue to recognize the excellent work that so many teachers do. I think it's also important to recognize that, as the honourable member talked about, no matter what government was in place, teachers have had fights with governments. That's quite true, and they've gone back into their classrooms and they've continued to do what they went into teaching for, to teach children. I respect that very, very much.

When you look at what is enclosed in this bill, we have also put in this bill almost \$350 million in new dollars to the system for lower class size, for more help for teachers on remediation, for the teacher adviser program, because those were things that teachers told me were important: smaller classes, extra help for the kids who were having problems with the new curriculum, the teacher adviser program, which was really important. I think that is a significant investment in front-line classrooms that says that we do value, that we do recognize the importance of teachers in our classrooms. It means an awful lot for a front-line teacher to have a smaller class size. It's certainly what they've told me. It's certainly what they've told many of the members of our caucus who have family members who are teachers, husbands and wives and sons and daughters, they have children in the system, and a good strong public education system is what all of this is about.

How we will help ensure not only that we have a successful society, a prosperous society, but that individuals will be able to succeed in their own lives is through a very, very good education system. That's what these changes are about. That's what we will continue to make the changes for, to achieve that goal.

The Deputy Speaker: Further debate?

Mr Gerard Kennedy (Parkdale-High Park): It has come to this: a tawdry little bill that presumes to insert itself into the time when this government is finally having to come to terms with the costs of its so-called education reforms.

This is a government that won't prescribe accountability for itself. It will talk ceaselessly, endlessly, about what other people in the system should do but will never stand accountable, not as individual members, not as a minister, not as an education committee of cabinet, and not as the Premier, for the decisions that they make in the lives of this province's children and their ability to be educated well. So we have a government with a slight air of desperation trying to distract and disguise and draw away from the real agenda that it has. That agenda is well revealed in the public estimates of this province.

I offer to the members of this House and to the people at home a copy of our document, De-funding Education in Ontario, which describes exactly the context for this bill we have tonight. Not a great achievement in education. Not something appealing to the better requirement of society, in fact maybe one of the singular trusts of

society, to provide equal access to high quality education. That is not what this bill is about.

What this bill is about instead is what this paper describes: cuts which this government has exacted from the first day it came into office and reductions in its share of the funding to education. If you look in estimates, you'll see that there's \$484 million less money being made available in last week's budget than there was in 1994. You only need to look slightly further to see that despite the games that have been played by this government—downloading and swapping different grants and so on—it is possible to see the actual constant funding. What does it add up to? It is an additional cut of \$387 million once you factor in the social contract costs which this government foisted on the school boards around the province. We have a total of \$871 million less being provided to school boards by this government. A reduction in its share, the true count, the true measure, the true accounting of this government's real concern for children.

We can see very clearly that this is a government that wants to distract us from these figures. This is a government that doesn't want these figures and this actual lack of attention, lack of care, lack of concern for individual school children to be what parents and schools and other educational communities around the province focus themselves on. When we go further, when we look at the reasonable obligations of a government that proclaims from the highest peaks of the province and says "We have balanced the budget"—mind you, we're ninth out of 11 governments and it took us a long time and we gave away a tremendous amount of money in tax cuts that we borrowed for, but at the end of the day they say and they claim to have balanced the budget. But who paid for that? This was paid for by the school children of this province through this government not keeping pace at all with the cost of enrolment, with the cost of inflation. When that is factored in, there's a further \$745 million that this government, through its negligence, has denied from its share of funding of education, that it would not provide, a total of \$1.6 billion—a 29% reduction by the members opposite. That's what they've sanctioned since they've come into office. That's what they continue to seek from the education system.

When we see this particular government—

Interjections.

The Acting Speaker (Mr Michael A. Brown): Order.

Mr Kennedy: When this \$1.6 billion or 29% reduction in the commitment of this government to education comes up, it is clear that these members opposite, the government, don't want to be held accountable. This is not an accountability bill for them. This is how to foist the attention of the province elsewhere, how to detract from what their real agenda is.

2000

It is sadly clear as well that the primary objects touted by the honourable member for Durham, for example, or the member for Kitchener Centre—what was this government up to? What did it think it was doing when it

stumbled around the education system the last five years? What did it think it was accomplishing? We heard mysterious figures plucked from the air by the member for Durham as he talked about administration costs. As it turns out, we actually have the administration costs.

What has this government done? It has exacted these cuts on the schoolchildren of this province. What has it managed to do with the administration costs of the school boards and the governance costs of the elected officials at the school board level? What has it done? Well, over five years of struggle and toil and a tremendous amount of agitation in the school system, this government has managed to reduce administration costs from \$445 million in 1995-96, to \$429 million in 1999-2000, a grand reduction of \$15 million.

Less than 0.1% of the cuts in education have come from what this government, in its propaganda, in its commercials, in the money that it's wasted to put across its particular message, claims the money is coming from. In fact, for the people who would like to look at the facts and not have them plucked out of the air for them, in the estimates of this province it says clearly, last year the amount of money being spent on administration by this government, which controls all of the purse strings, increased by \$5 million. This government is increasing the money it's spending on administration, not reducing it.

Further, where is the money coming out of? Where is this being visited upon children? The government has gone to great lengths to change the categories, to change the accounting, to amalgamate boards, to cover its tracks. We're able to tell how much money of its share is missing. We also will look at some of the areas where children have been harmed because of the money being taken away: some \$300 million less in special education, some of which the government has reluctantly been dragged, kicking and screaming, to bring back this year. We'll have to see if that money does actually flow.

In December, this minister and this Premier said, "It's not our problem; it's not our responsibility." In this budget, there's a claim—and I say that to the public out there advisedly—for \$70 million. Let's see whether that money actually gets to where it needs to be, which is in the school system, helping children whose special aides have been taken away from them, whose hours at school have been reduced as a direct result of the cuts of this government.

They've also cut the pupil accommodation grant. They've cut the amount of money to keep schools clean. They've forced all kinds of communities around the province—in places like Avon Maitland and the Grand Erie board and so on—to shut schools, only and exclusively because of this government's preoccupation with taking money out.

They've actually, as well, cut the transportation monies available. We had an excellent question put to this minister this week. If she purports in this bill to be in any way concerned with the extracurricular development of children, why have they cut the transportation allowances? Why have they put children at risk? Why have

they made them walk? Why have they denied them the after-school activities that this government says this bill is all about in the first place? That is because it's the money that matters the most to this particular government.

This has never been and never can be, given the continued direction of this government, about the well-being of the children.

Adult education has been decimated with cuts of about \$36 million. Over and over, the amount of money there for a quality learning experience, for equal access to it, has been reduced by this government. Its \$1.6 billion in reductions has been the central and sole objective of this government's policy. There is nothing around the education reform, despite how it may wish to dress it up in the formal validation of things like the royal commission—the people who worked on the royal commission shudder when they look at what this government did, trying to legitimize, trying to dress up this bold grab for funds and for centralized control.

The only way this government could reconcile, could even try to legitimize—I've been to schools in the riding of the member opposite, the member for Etobicoke North, for example, which next year, because of this government's cuts, lose the security guards in their schools that they have to bring in to quell trouble. The hall monitors are going away. There is not the money for the safe schools this government purports to associate itself with. Why? Because—

Mr John Hastings (Etobicoke North): They don't need security guards.

The Acting Speaker: The member for Etobicoke North would know that he's not in his seat and he would also know that heckling is always out of order.

Mr Kennedy: We heard the member for Etobicoke North not defending the right and the need of schools like Thorncliffe to have the exact resources they require. Why? Because of the simplistic approach. Once this government determines it needs to take out money, then everything else follows from that. What does it actually turn out to be? It turns out to be centralized control, a government that believes in an almost Soviet way of thinking, and that informs this bill here tonight.

We have from this government an idea, an illusion, saying to the parents of this province: "We can engage in behaviour control. We can take activities formerly seen as voluntary and we can mandate them. We can push a button here at Queen's Park and make those happen in your school." Let's come to the bill in specifics and see how well it fits this concept.

This bill is not about a rash of teachers being negligent with their extracurricular activities. In fact, I defy the members opposite and the minister to produce any evidence that there is a widespread problem with extracurricular activities not taking place in the school system. The minister's staff were asked that very question: "Does the minister have a study? Has the minister actually looked carefully at the situation that exists in the schools of this province and does she know? Did you do this

study for her? Is there a study or was there a report or anything to look at as to how much extracurricular activity is actually taking place now and the extent of the problem?" The ministry staff said no. The ministry staff said there is nothing but anecdotal information, and further, they told us that this minister has no intention of measuring whether extracurricular activity is adversely or positively affected by this bill.

This bill stands exposed for what it is: the export by this minister of the Durham disease, of enforcing the Durham formula. The people out there may not appreciate that a little time ago this government stole control of education out of their community. They grabbed hold with both hands and now control the financing, and increasingly, time after time, these pieces of tawdry legislation which purport to actually be engaged with the education of children, but are really about power and control by this government, from a centralized perspective, of what goes on in the school boards and the schools. Sadly and unfortunately, this trickles down and has its effect on the well-being of children. Its lack of concern for children, its backhanded effects are manifest.

2010

Before this government moved, we had 70 out of 72 boards prepared to settle, as they did last time, and have arrangements with their teaching staff to deliver the best education they possibly could, under the constraints this government puts them in, to the school children and the students of this province. Instead this government intervened. Where did they go for the model? Where did they design the intervention they felt was necessary when they saw peace breaking out all across the land in terms of school boards and relations with teachers? They went to Durham, to this minister's riding, to the only two out of 72 boards that couldn't get arrangements which would have good, solid working relationships between the various constituent parties: the teachers, the trustees, the parents and the students. Instead they have brought years rife with problems and difficulties, as they've tried to adjust to the exact kind of staffing time and workload that this government now recommends to us, with this bill tonight, to inflict on the whole province.

What kind of government, what kind of party, what kind of ideology, would pick the worst problem spot in the province and inflict it on everyone else? This government would, because this government is only concerned with the amount of money that formula will save for them.

In fact, if you look closely at an objective report this government commissioned to the Windsor board just a week ago, written by a chartered accountant in that community, it tells in that report of a board that said to this government: "We're fed up with your hypocrisy around funding that says we can't protect a quality education for our children. We can't protect a decent education for our children if you keep cutting."

What the independent person going into the Windsor board found out was that the only way they could balance the budget was to cut teachers and cut support in the

classroom. That's the only avenue, the only prescription this government left itself open to, because substantially, as Mr Hines says, it's about the money. This government has made it less viable for the local boards to provide for their students. Now we have it on a prescriptive basis, with the legislation before us tonight, based again on no briefing, no study, no analysis, of a problem with extra-curricular.

That's not what brings us here tonight. What brings us here tonight is another attempt, which was tried two years ago, to write a regulation here at Queen's Park and have an effect in the classrooms, the 5,000 schools and the thousands of classrooms in this province. This government has the arrogance and the conceit to believe it can cause that to happen with the bill we have before us tonight.

What we have in this bill tonight is rampant bureaucracy. We have something this government has tried in its propaganda not to associate itself with. Not only has it essentially allowed the class of administration in education to be the same and to increase last year, but it has set itself up for a whole new bureaucracy and bureaucratic activity, as it tries to fulfill this impossible quest for central control over some of the micro-details of education.

It provides, for example, for reports to be made by principals to those boards and for the boards to make those reports to the minister. It also provides for anyone to walk in off the street and decide that somebody is not in compliance. What happens then is that somebody from, I guess, the MOEBI, the Ministry of Education Bureau of Investigation, then comes into the school. That's what actually is in this bill we're asked to provide for tonight. They send in an investigator. What is that investigator looking into? What are they actually going to find out when they get to that school?

In this bill are vague, broad, vast definitions of what is extracurricular activity; this government, in true Soviet style, wants to rename it "co-curricular activity." But the extracurricular activity people are familiar with, it leaves wide open. It also leaves the days, hours and times of execution wide open. Seven days a week, 24 hours a day, are all game for a principal to give direction on.

As this government plays its games with the total cost of education, and then tries to assure parents that at the end of the day extracurricular activities will somehow get delivered, how does it leave itself open to do that practically? It doesn't. It doesn't have any practical means of enforcement, because what it will be doing is having a large core of investigators. They'll send them all around the province, and then they'll come back and the only enforcement they can really inflict is to fire that teacher. The only way a principal can really enforce whether extracurricular takes place is to list them for insubordination with the board. If the principal won't do that, then the investigator can, or it can direct the board to act.

There are no halfway measures here. There are no reasonable means for discussion or negotiation. There is nothing contemplated in this bill but cover for this gov-

ernment's agenda of cutting money out of education. It's the only thing that's contemplated, and people looking for some terrific insight, looking for some real understanding of how to make education happen better, will not find it here, because the main culprit is how this government deals with time, how they see themselves controlling to the minute how much time teachers will spend on their various activities.

We did not have the sense, the grasp of accountability by this government to actually say: "We will reckon with teachers as professionals. We will acknowledge that they will do their test marking at home, that they have to prepare their assignments, that they have a range of other things that they are expected, and have been expected for numerous years in this province, to do." This government wouldn't do that. Instead, they focus on one part of those non-classroom activities, call them co-curricular, say they're going to be mandated and then cross their fingers and hope for the best. That has characterized many of the so-called education reforms of this government, centralized control that, as time passes on, it becomes clearer and clearer cannot be achieved by this government, and this government simply delivers newer and newer versions of it to make sure that the parents and the other interested public out there simply can't catch up to the number of changes they're making.

It is, however, abundantly clear that with \$1.6 billion being removed, this government stands accountable. When they want to say that the main thing they wish to accomplish here in terms of providing for extracurricular activity is making sure it can't be bargained for, they're reaching into 70 out of 72 boards that would have had arrangements for teachers if not for their desire to do one single thing: to increase the number of students per teacher. That's fundamentally what this bill does. It provides for more students per teacher. It increases the workload per teacher by 11%.

The government, taking measure of things out there, realizing that this is seen as a bit of a desperate measure, that people don't really appreciate or understand how it is they're going to control extracurricular activity, despite the core of investigators and so on that this bill contemplates, has put as part of the bill, or at least as part of their announcement, a reduction in class size of about 5%. But it still leaves more kids per teacher. It still leaves all the other manifest problems that come from a government that is deducting money and resources away from the school and away from the learning experience.

That's what is happening in special education, that's what is happening in terms of the mismanagement of the curriculum, that's what is happening in terms of the testing program and that's what is happening in terms of the literacy test the government wants to bring in but has to put off for a year. This is a government not just in a hurry; this is a government that doesn't show the care and concern that would go with a real commitment to public education.

A real commitment to public education would attend with it the ability to provide the most important elements

that are required for a child to learn: a motivated, well-trained and well-respected professional standing in front of the classroom, which we have today. But we have not just an attack on the professionalism of teachers in this province; we have substantially an attack on public education. We have an attack by this government, determining that it's not their responsibility to sustain the well-being and the outlook of those teachers in their classrooms. Instead, it will try and micromanage wherever they need to be able to deduct the money from the system. But they won't take the responsibility of making sure, for example, of the quality things that would give a new curriculum a chance of success.

For one, this government talks about the minutes or the time in the day as being averaged somehow to the country. In point of fact, if you look at the number of professional development days this government has taken away, the teachers of this province are already spending more time standing in front of students than those of almost any other province. But that's not good enough, and the reason it's not good enough for this minister and this government is because it's not enough money. Not enough money can be saved unless they spread the teachers out more thinly with the students. They want to take teachers back to where they were before in the 1980s. They want to go where a previous iteration of the Conservative government would not go.

Let me just say to the people out there who are wondering what can be coming from a government that wants to attack teachers, that wants to attack local control of our public education, that wants to try large-scale experiments with curriculum, with these various measures being proposed here today on the students of the province, we know what their alternative is. When they look at private schools, do they see private schools adding more workload to teachers? No, they don't. Do they see a cutback in the amount of money available per student in those private schools? No, that's not how private schools sell themselves. Do they see in those private schools an attack on the staff, an undermining of their professionalism, a diminishing of their ability to provide the best for the children in the classroom? We don't, because it's bad management. It's bad education.

We have a government that thinks it can justify to us tonight a law for which it has committed no studies, done no analysis to show that there is an initial problem, that relates back to the failure of a central management system that it put in a number of years ago with Bill 160 and Bill 104 which would see the conceit of a minister sitting in her office trying to control the teaching activities taking place thousands of miles away. We have seen parent groups and teachers and students fitfully try and deal with the implications of this time after time. If properly seen in the cold light of day, this is but another in a series of inadequate Band-Aids to a wound inflicted by this government itself.

2020

That damage has a quantification: It is \$1.6 billion less coming from this government's share of education fund-

ing. It's money that this government won't provide. It won't provide it now in good years, and it used it to fund the tax cut in other years. When we see, for example, the \$200 cheque that a week ago this government was so proud of—being able to waste the kind of money it will spend for stamps and so on to send out to everyone in this province—we can pretty readily anticipate that they won't include with that cheque an explanation of how teachers are going to have less time for students as a result of that cheque; of how special-ed children have had some of their education compromised as a result of this government's obsession with providing that cheque; of how, around the province, we are losing good qualified teachers who no longer have faith in this government's ability to provide for them a teaching experience where the learning of children can become paramount.

Teachers are, as some members mentioned, used to dealing with the various machinations of government with regard to education. I think it was used in the context of justifying this current round of what is being done. Instead, the teachers of this province, and I think more and more the parents of this province, are understanding what is really afoot. This is a government not overly concerned with the well-being and the improvement of public education. If they were, they would put themselves in a position of being accountable for the kinds of things they're trying to foist on to teachers and the schools boards tonight, the responsibility to make their funding formulas work, to make their overall fiscal regime happen. People are starting to appreciate that this is an agenda about the detracting from the confidence that people have in public education.

A companion piece of work from this government came out this week, so-called teacher testing, which has no teacher test in it at all. It is related to an election-time promise, but if you look in the cabinet document, which was widely available, there was nothing in there that said there was a test of teachers. That's in the election document. That's not in the actual document in terms of when we come to this government living up to its promise. It will turn things upside down to be able to pretend that some of its election commitments are being met, but in the course of it has no regard for what it does to the morale and to the ability of teachers to provide for kids in their classrooms in this province.

They have the audacity to change the rules. Rather than treat teachers like firefighters or policemen or lawyers or doctors or other professions, they want to set up a separate and distinct bureaucracy, a bureaucracy that would travel the province auditing principals and auditing teachers. This government is setting itself up with centralized testing, with centralized investigators and centralized testers to eliminate school boards altogether and to set themselves up on some Connecticut or American model of charter schools or voucher systems. This is where this government has always been tending, because that is the ultimate distraction and the ultimate disguise: to be able to isolate people in their local communities away from any level of real accountability; to be able to

disguise the impact of the funding cuts because it is handled in some of the better-off neighbourhoods by the volunteer activity of parents. Instead of a vision that informed many of the past governments of this province—real equal access to real quality education—this is a government that fritters and dithers away that sense of opportunity for people.

There is nothing in this bill tonight that does anything but put us further down that path that will create an immense problem in terms of the workability of our schools because of what it is inflicting in terms of time and what it wants teachers to be able to do. At the very same time it says, "You will do certain extracurricular that has been added," they will have a heavier workload as well. Many teachers in this province will be teaching, for example, four classes out of four and then be told they will be doing extracurricular, and there will be some notional idea that investigators will be buzzing down from the province. It's not workable, it's not tenable, but it suits this government's vision of what centralized education should look like, a government that doesn't have to take any responsibility, that collects the money, only gives out a smaller, diminishing share, and then maybe at the local level holds out to parents some pretence, some false promise, that they might have some impact through their local school council and eventually some iteration of a charter school.

This is not a government that believes in real community control. This is not a government that believes in communities having a say, because it has stripped the school boards. In this bill that we're asked to pass tonight, if a school board contradicts what this minister notionally believes she wants to change on the part of that board because she's had a bad day or something else has gone wrong at Queen's Park, they are subject to \$5000 fines, to not being able to run for municipal office. They are also subject to becoming personally liable for the financial implications of any decisions they dare make against this arrogant, autocratic, centralized government. We see as well this government, this fan of big government, of autocratic, unaccountable, never-answerable government, having the ability to reach into school boards and to fire employees who don't carry out this minister's wishes.

We see opposite here a government grown weary, grown comfortable in their seats, not able to stand up on behalf of their constituents, for one of the most central and perhaps most precious trusts we have, something that past, present and future generations are going to hold us accountable for: the education of children in this province, the promise that we will measure people by their hard work and by their ability and by nothing else. We see a government with a bill tonight that would skew that, favour that in a completely different direction, and we stand opposed.

Mr Speaker, I'd like to split my time with the members for Ottawa-Vanier, Kingston and the Islands, and Thunder Bay-Atikokan.

The Acting Speaker: Member for Thunder Bay-Atikokan.

Mrs McLeod: I cannot say that it gives me pleasure to take part in this debate tonight. It makes me angry that this bill is here, and I can't even begin to describe the frustration that I feel in witnessing the inexorable march of this government in pursuit of its political agenda on education.

This government would have you believe that this bill is about students, quality education, better teaching. It is not, as my colleague has so clearly said. This bill is about what this government's education agenda has been about from day one. It's about saving dollars by cutting teachers, and that's what it always has been about.

I remember three years ago when this government was looking for the ways in which it could cut another billion dollars out of education, and of course its main concern is always with its public relations campaign. It wanted to find out how it could cut a billion dollars from education by cutting teachers and have the public still somehow support them before the next election. So they ran a couple of focus groups: one in Ottawa, one in Thunder Bay. The reason I know about this is because the Ottawa Citizen carried a headline which said, "Government Plans to Cut 10,000 Teachers."

Hon Mrs Ecker: And it didn't happen, Lyn.

Mrs McLeod: The way that it planned to cut 10,000 teachers—Minister of Education, I'll tell you exactly how you're planning to cut the teachers, and that's why this bill is here tonight. Three years ago you set out to find a way of cutting teachers by cutting prep time, but you discovered in the focus groups that it didn't wash. People thought it was a good idea for teachers to have some time to prepare their classes so they could provide quality education to their students. So the government led the focus groups—this is fact—and they found that if they could say to people, "Our teachers in Ontario have twice as much time for preparation as teachers across the country," then the focus groups started to say, "Maybe they could give up some of the preparation time and it wouldn't hurt teaching and quality education." So guess what emerged as the government's public relations message? It didn't matter that that was a totally inaccurate representation of Ontario teachers' preparation time versus the rest of the country, because you would never let truth get in the way of a good public relations campaign. That's why we had the launch of the infamous clock ad campaign, with its inflammatory, derogatory, offensive message that totally misrepresented the value of the work that teachers do.

The government at that time wanted to say that there was going to be an increase in instructional time. That was the PR message, because that sounds like a good thing, an increase in instructional time. Well, of course, we all know that if you have fewer teachers teaching more students in more classes, you actually have less teacher time with the students, exactly the opposite of the government's public relations message. But again, you'd never let reality or a concern for consequences get in the

way of a well-developed plan to take yet another billion dollars out of education to pay for the tax cuts.

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The government was warned that this direction would have an effect on extracurricular activities, not because of a work-to-rule campaign by teachers but because of the simple reality of a workload. If you expect teachers to teach four classes out of four classes in one semester—that's what seven out of eight means, four classes out of four, and it is seven out of eight. You've never been able to implement your numbers in a schedule anyway. So if you have teachers teaching four classes out of four in one semester and they have that extra class of students to teach, and they have less preparation time for it so they're doing their preparation at night and they're doing marking at night because that's part of the accountability of good teaching, you simply don't have the time left over to coach the drama team or the basketball team or to provide support for the student council. That's the reality which this government prefers not to deal with.

The government was extremely unhappy, and you can tell that by the minister's reaction tonight. The minister is still very unhappy. Why are they unhappy? They're unhappy because 70 boards actually sat down with the government's new rules and were able to negotiate agreements with their teaching staff that allowed teachers to keep teaching and still do the extracurricular activities and still live within the letter of the law that this government brought in.

That wasn't enough for the government. The government was angry. I know the Minister of Education was particularly angry in Durham, where there was an arbitrated settlement with an arbitrator, I remind you, appointed by the government, because that's the way public sector arbitrators are appointed now. They had an arbitrated settlement, and the minister claims to have been angry because of the teachers' reaction. She could have resolved that, if that was the real source of her anger. It would have been possible to sit down with the parties and resolve that issue, as opposed to imposing the Durham disease, as my colleague has described it, on the rest of the province.

But that is not what the government did, and it's not what the government did for one very simple reason: They weren't nearly as angry at the Durham board and the Durham teachers as they were at all the other boards that actually managed to work out good agreements that allowed teachers to keep teaching, allowed extracurricular activities to keep being done, but didn't cut the teachers that this government wanted to cut. Because the boards didn't cut the teachers that the government was looking for, because we didn't see the 10,000 teachers cut, this government had to go to the next step, and that's why we have the legislation that's before us tonight.

This legislation means fewer teachers. There's no question about that. The government has tried to provide a cover, as my colleague has said, of some dollars to reduce the class size. Again, that's a PR cover. They're trying to make the public believe that somehow they're

going to reduce the class size and that's going to mean better teaching. Think about it. They're adding a full class of extra students to every teacher's workload. In secondary schools that's 22 students on average; 21 with the reduced class size. They are adding an extra class of 21 students on average and taking away one student out of each of the teacher's other classes. So you lose three students in three classes and you pick up an extra class of 20. That's where you get the percentages that my colleague was speaking of earlier.

Minister, I don't think the little bit of money you're putting into reducing class sizes by one is going to nearly make up for the damage you're doing by imposing this legislation on the teachers, the trustees and the principals of this province. The minister, of course, will not say how many teachers are going to be cut with this because, again, you wouldn't want to acknowledge the reality or deal with the consequences.

This legislation will affect extracurricular activities. As the Premier himself has said, 99% or 98% of teachers, depending on what figure we're using, do extracurricular activities and do them voluntarily. They do them because it's part of their commitment, it's part of their love of teaching, it's part of their concern for their students. They do it because they believe that extracurricular activities are indeed a part of the total educational experience for students. They will not be able to continue to do that when this legislation passes. They won't be able to do it if they are teaching four out of four classes in one semester, and they certainly won't be able to do what they have done through all of the years of publicly funded education in this province, and that's to do those extracurricular activities, those co-curricular activities, as the government would prefer to call them. They won't be able to do them with the same kind of enthusiasm that you get from people who do it for the love of it, when now they are going to be doing it because the government wants to force them into it.

I wish I had time tonight to talk a little bit more about the absolutely impossible position that principals have been put into with this legislation. There certainly will not be harmonious working relationships in our schools when principals are given the dirty work to do by this government of deciding who gets the assignments to do the extracurricular activities and how that is to be balanced with the extra workload they're going to have to do that particular semester.

And I wish I had some time to talk about the real hit at school trustees that this bill provides. I agree with my colleague that this could well be the beginning of the end of the commitment of publicly elected school trustees. They've been asked to do the dirty work for the government before. This really takes it—I hope not, but I'm afraid this may take it the final step.

I want to conclude by coming back very briefly to the event I was asked to in my riding on Saturday night, which was the awards of excellence for secondary school students put on by the secondary school teachers. They've been doing it now for some 13 years. They

recognize excellence in achievement in academics, in technical areas, in athletics, in student leadership, in the arts. Without a single exception, the achievements of those students are directly related to the opportunities that teachers provided to them to learn and to grow and to have the full experience of a full educational curriculum.

That's what education in Ontario has always been about. But because this Harris government needs to cut costs and gut education and seek public support by scapegoating teachers, I am truly afraid they are changing public education in ways that we will all regret and may never recover from.

M^{me} Claudette Boyer (Ottawa-Vanier): C'est vraiment un plaisir pour moi d'apporter mes commentaires sur le projet de loi modifiant la responsabilité en éducation. C'est vraiment ironique que ce gouvernement a décidé de présenter un autre projet de loi, durant la Semaine de l'éducation, qui impose encore de nouvelles exigences aux enseignants et aux enseignantes de la province. Ce gouvernement est un véritable dictateur, en venant d'imposer à la profession enseignante l'obligation de faire des activités parascolaires 24 heures sur 24, sept jours par semaine, et en augmentant davantage la charge de travail de nos enseignants et de nos enseignantes à travers la province.

Ce projet de loi, croyez-moi, aura un impact substantiel dans la vie quotidienne de tous les enseignants et enseignantes au niveau secondaire.

Yes, believe me, this bill will have a substantial impact on the everyday life of teachers. Yes, it will. This government seems to be unable to acknowledge the important role of the teachers of this province. This government always seems to be unable to realize that our education system is fortunate enough to have a number of assets: professional, excellent and devoted teachers who ensure its quality and its good working order.

I will tell you that slavery will now be practised in Ontario. Who will be the slaves? The teachers. Let me tell you, teachers really don't need legislation to force them into extracurricular activities. Voluntary work has always existed. They have always organized their time to go along with extracurricular activities, always on the same voluntary basis and very willingly. Extracurricular activity is just great for teachers. It gives them a different relationship with their students, and that is great.

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Questions remain. Why bring forth legislation that will cause further conflicts and will continue to strain government-teacher relations? What about the morale of teachers? We're talking more and more of long-term for teachers who just can't take the stress any more. Believe me, it is very hard, and teachers don't necessarily listen to themselves. They just can't cope with the workload this government is putting on their backs. Is this the straw that will break the camel's back? I say, enough is enough.

It is frustrating to see how teachers are treated. I can tell you of a survey that was done recently which shows that the teacher's workload, on average, is about 51 hours

a week. Add to this about four hours a week for extracurricular activities at the elementary level, and at the secondary level nine hours a week. Isn't that saying a lot?

On ne peut pas légiférer la bonne volonté et l'enthousiasme requis pour encadrer les activités parascolaires. No, we cannot legislate the goodwill and enthusiasm that are needed for these extracurricular activities. Encore une fois ce gouvernement fait fi du professionnalisme des enseignants et des enseignantes. Ce sont eux, souvenez-vous-en, qui sont en mesure de déterminer quelle sera la nature de leur contribution aux activités parascolaires pour que les intérêts en salle de classe ne soient pas négligés.

This bill doesn't even foresee that the teachers will be consulted in collaborating on a plan for extracurricular activities.

Do you know that the process of collective bargaining is another unjustified decision by this government with this bill? By defining what constitutes instructional time, this government has taken away the flexibility at the local level and will bring on more difficult negotiations. Any questions relating to extracurricular activities are no longer part of negotiations.

Hon Mrs Ecker: That's right.

Mrs Boyer: Well, that's too bad. You need that local flexibility and I think it is very important.

This bill will have an impact on the quality of education, and it will not be a positive impact. This bill really goes overboard. It is a shame to treat our professionals this way. I have been a teacher. Teachers don't count their time and they do put in the hours needed to assure quality of education in their classroom, in their school, for their local board and for the good of the province. Will teachers be ready to say yes when we tell them they have to participate in extracurricular activities at night, during the weekends? Will the principal be able to impose on those teachers that they have to go with the football team on a weekend, that they have to practise for a drama session for two or three months in a row? I wonder if teachers are ready to do this.

Je m'interroge à savoir comment serait géré le nouveau système d'obligation. I really question how this new mandatory system will be managed. En rendant obligatoire la participation des enseignants et des enseignantes aux activités parascolaires, le gouvernement s'attaque encore une fois à un faux problème. Il risque de provoquer d'inutiles confrontations. Une direction d'école, peut-elle exiger qu'un enseignant accompagne encore une fois une équipe sportive? Ce gouvernement ne peut pas exiger que les enseignants et les enseignantes travaillent—je me répète; c'est important—travaillent 24 heures sur 24, sept jours par semaine.

Alors, j'aimerais finir en disant, instead of showing gratitude towards our teachers, this government insists on showing a great deal of resentment towards our professionals.

Mr John Gerretsen (Kingston and the Islands): On any of these issues I always like to go back to the government's own budget documents first of all so we can

get a true and accurate picture of how much the government is actually spending in this area. It is very interesting that back in 1984, the operating grant for the school boards was \$4.485 billion. Currently, when you take into account the fact that some of the downloading has taken place from municipalities etc, the operating grant is \$4.001 billion. In other words, there has been an increase of \$484 million, in actual dollars, in primary and secondary education funding. When you take into account the fact that the boards had to absorb the social contract effect and you take into account additional enrolment that has taken place and inflation over the last five years, this government has taken \$1.6 billion out of the education budget.

What's interesting is that this is at the same time as the coffers of the province of Ontario have grown by \$14 billion. The revenues of the province are actually up \$14 billion over what they were five years ago. So how anyone on the government side can say that they're spending more money on education—the facts just don't bear that out.

All one has to do is go into almost any school in this province, talk to any teacher, and you'll quickly find out that most, if not all, of the teachers have much bigger class sizes now. I used to go into schools four or five years ago and the average class size at the primary level was maybe 25 students. Now, quite often it's over 30. I know the minister will say, "We're going to reduce the average to 24 students in the junior classes, up to 21 in the secondary classes," but remember, that's across the whole board, so you can have classes in individual schools that are highly in excess of these numbers.

That's the first point I want to make. The people of Ontario should understand that this government has taken out \$1.6 billion, and the facts in their own documentation clearly prove this.

The second thing I want to talk about is the attack on the school boards. When you think about it, we started setting up school boards in this province and in this country back in 1837, well before we set up municipal councils, well before the province got started. There was local autonomy with respect to school boards. That has now totally disappeared. The school boards are much larger than they used to be. They have absolutely no local taxing power any more. They are being threatened by the minister.

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I will just read through some of the sections that are in here, for example. The minister took great exception when one of my colleagues pointed out that members of the board can be fined \$5,000. Let me just read you the section. It's subsection 230.12(2): "The board and each of its members, officers and employees shall comply with the orders, directions and decisions of the minister ... in any matter relating to the affairs of the board, and any such person who ... votes contrary to ..." the minister's wishes, "direction or decision, is guilty of an" indictable "offence and on conviction is liable to a fine of not more than \$5,000." Tell me, why is that necessary?

The very first section in that part of the act states as follows: "The minister may direct an investigation of the affairs of a board if the minister has concerns that the board may have done something or omitted to do something ...," such as the board passing a resolution which is contrary to the minister's instructions.

I would invite the people of Ontario to pick up a copy of this act and read it for yourselves. Don't take my word for it; don't take my colleagues' word for it. You will see that your school boards have no power left whatsoever. It's all about centralized control. This government, that was elected on the basis of, "We are not government; we are here to fix government"—we all heard the Premier say that—basically wants all the control here at Queen's Park within the ministry office, with the minister. If a board doesn't do what the minister wants or if a teacher doesn't do what the minister wants, in effect they will be fined and convicted in a court of law. That is not in the best interests of our children.

That leads me to the final point, which deals with the teachers themselves, and that's really what this is all about. I've gone into many schools in the Kingston area during our recess. I went into Winston Churchill Public School, Sydenham Public School, into La Salle Secondary School, I went to Holy Family school. In many of these schools I spent the better part of a day, and there wasn't one teacher I talked to in any of these schools who liked what this government is doing with respect to education. As a matter of fact, I can't ever remember talking to any teacher anywhere who supports what this government is doing with respect to any of its educational bills. Are all these people wrong? All of them feel the same way. They feel under constant attack. Their morale is being undercut at all levels. How can they teach our children, our future, in an appropriate fashion if the morale is being undercut by this government on a continual basis? How often have we seen anybody on the government side, the minister or anyone else, say anything good about teachers? Oh, every now and then they sort of slide it in. They spend 10 minutes attacking them in one way or the other and then they may say, "Oh, yes, there are some good teachers."

I will say that the teaching profession is no different than any other profession in that you have some excellent people and, yes, you probably also have some people who aren't quite as good, but the same thing applies whether you're talking about doctors, lawyers, engineers or any other group in our society. To single out teachers for the kind of activity that this government has been involved in on an ongoing basis is not only unfair but it's hurting our children.

I wish this government at least had the intellectual honesty to stand up and say, "We think we are spending too much money from the public purse on our primary and secondary education and that's why we're making these cuts." If they did that, at least I could say, "Well, I don't agree with you but at least you're honest about it." But you know and I know that they haven't had that kind of intellectual honesty about any of the cuts they have

brought in, whether we're talking about health care, whether we're talking about education, whether we're talking about environment, whether we're talking about housing, and you could just go on and on. It's always sold on another basis rather than what's really happening.

I say to the minister: Think about the students. Do what's in the best interests of the students. What's in the best interests of the students is that you try to build up the morale of the teachers. That's what you ought to be doing. That's what you should be concerned about: "What can we as a government do to help the teachers so that they can better educate our young people in our schools?" That's really what this is all about, or what it should be all about.

The morale is low; the teachers feel under constant attack. This government wants to micromanage every situation. This bill is full of threats and intimidation right from the very first paragraph. You read the definition, for example, of what "co-instructional activities" means and it basically means whatever the minister says it means.

Why don't they show respect to teachers; deal with the one or two isolated problems—I'm sure that the federations and all those other people who are involved in education would be more than supportive of that—but do not attack the teachers the way you have over the last five years, because by the continual attack on teachers, you are attacking our youngsters in the school system. There's no way, with the kind of morale-burning exercise that you've been involved in, that the teachers of this province can give the best to the students who need their help on an ongoing basis.

The Acting Speaker: Questions and comments?

Hon Mrs Ecker: The only person better at spinning conspiracy theories I think is Fox Mulder, listening to our honourable critic across the way in terms of his great conspiracy about: "Let's destroy public education. Let's bring in charter schools and no one will notice." I don't know what fantasyland he is living in, but it is certainly not the reality that we want to make of the public education system, the system that is so important to the prosperity of this province, to make it better.

Second, these fantasy numbers, that we're taking money out of education, could not be further from the truth. They want to have an argument that we're not spending enough. That's fair. It's not a new argument in education and will never cease, but we are spending more today on education than was spent when we came in. We've increased the amount of money for special education, for example, a 12% increase. The other thing: They're back there talking about, "Ten thousand teachers are going to be taken out of the system again." Where have we heard that before? Ten thousand teachers didn't happen, because it was not ever going to happen; it was fantasyland again.

Because of the new investments we're putting into education, the \$353 million, we're going to need more teachers—not fewer; more. One of the wonderful positive things that is happening in this province today is the incredible increase in the number of people who are

applying to teachers' college. Despite the fact that we have increased the number of spaces—there are going to be 2,000 more new spaces for new teachers in our faculties of ed. We have an increase, something like 40% more people trying to get into teachers' college because they see it as a good profession, they know it's important. We recognize that. That's why we've put more money back in there.

Heaven forbid we should do what we told the voters we would do, but that's exactly what we are—

The Acting Speaker: Questions and comments?

Mrs Dombrowsky: I listened with great interest because of the experience I've had in the role of education. A couple of points I'd like to make: We hear regularly from the government the shell game they play about the additional dollars they've put into education. Yes, you have, and you should have. You said you would, because—you know what?—you said to municipalities, "If you pay for policing and ambulance and fire protection, we'll increase our support in education." That's your additional commitment. It's no new dollars in education.

Interjection.

Mrs Dombrowsky: It is not, Minister. It's a shell game that you're playing with the taxpayers. It's a shell game, and you're being exposed here tonight.

Also I would like to pick up on the comments made by my colleague from Kingston and the Islands. I happen to have a few friends in the education field—they're teachers, trustees, parents, students—and I haven't encountered one in my riding who thinks what this government is doing is good for education.

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I do visit schools. I talk with teachers, I talk with trustees, and I'm getting a very different picture than the one you're painting. They are telling me that they would like some confidence, not criticism. They would like some faith from the government that has been elected to look after their interests. Instead, what do they get? More rules, more legislation, that they're not doing the job that they've been hired to do, when in fact they're doing it and doing it very well. They're doing it under more duress today than any profession in this field has had to face before. I commend them for it, and I will do whatever I can to expose what this government is really trying to do in education.

Mr David Young (Willowdale): I appreciate having an opportunity to enter in this debate. I listened with interest when the members opposite talked about how low morale was in the schools of this province. I heard both the member for Parkdale-High Park and the member for Kingston and the Islands draw upon their own life experiences, which is understandable to a degree, and talk about what they thought was wrong.

I was a school trustee for six years and I, too, have some life experiences I can draw upon. I remember, with interest, entering a board of education in 1991 that had just experienced the closure of not one, not two, not three, not four, but dozens of schools, many years before Mr Harris was in fact the Premier of this province. Let's

be clear about this, whenever a school is closed, wherever it may be in this province, there is some pain, there is some discomfort and there is inconvenience, and it continues on occasion. But school boards, and provincial governments, on occasion, have to make difficult but responsible decisions. In the cases that I'm talking about, the funds utilized from the closure of those schools were then invested back into the school system. That is what's happening now in the instances referred to by the member from High Park.

I also heard the member for Kingston and the Islands talk about morale being low, "Morale has never been lower." I remember very distinctly walking through the schools in ward 6 in North York, and I remember talking not only to teachers, I remember talking to caretakers and to the principals—not when Mr Harris was the Premier, but during the social contract days—and they used the very same term, "Morale has never been lower." Change is necessary; it was then and it is now.

Mr Dominic Agostino (Hamilton East): I'm pleased to join the debate. Just briefly, the minister and the government can argue all they want about numbers; the reality is, as my colleagues have pointed out, you have cut funding in education. There are bigger classrooms.

Even more importantly, this bill reflects the ongoing obsession that this government—Mike Harris, Janet Ecker and the rest of the government—has with going after teachers all the time. You have a track record. You have made it a sport since you've been in government to continually attack and undermine our teachers, because your polls tell you that it works for you and it's cute and it gives a little bump in the polls once in a while. The reality is that teachers in this province do a damned good job. They work hard. They look after our kids. They care about our kids. When you attack, it's not only teachers; you attack the teachers who volunteer.

In my experience through high school, playing sports and being involved in a number of activities, the only reason we were able to do those activities was because teachers volunteered hours and hours. I can tell you that teachers, for 25, 30 and 35 years, spent three hours a night on the football field for four or five months of the year. They didn't do it because Janet Ecker told them to do it. They didn't do it because you told them to do it. They did it because they care about the kids and they wanted to do it.

The reality is that you're now somehow imposing this volunteerism on teachers. You're causing a problem where problems do not exist. You're insulting every single teacher in this province who has even given a minute of their time, at 7 o'clock on a Saturday morning at a track meet or on a Saturday night, or on a Monday night on the football field or the basketball court. That's the reality. They can talk and talk and they can pound their chests here. I ask them to go into the staff room and talk to the teachers.

Interjection.

Mr Agostino: I can tell you, my friend, I'd be happy to step on a football field with you any time. Any time you want, I'll step on a football field with you.

The Acting Speaker: Response?

Mr Kennedy: I'm especially appreciative of the remarks made by a number of members: the member from Hamilton East, the member from Hastings-Frontenac-Lennox and Addington, my colleague from Thunder Bay-Atikokan, and the other members who spoke to-night.

From the government side, we still have this constant delusion, this constant idea that somewhere out there are people who believe that "change" is all they have to say and it somehow justifies the damage they've exacted on schools. I challenge anybody in the Conservative caucus to dispute the figures I've quoted tonight, anyone in any public location. I challenge the Minister of Education to table her own figures.

But more importantly for the public watching tonight, does this government even have the sincerity of its beliefs, or is this a government acting wide-eyed, fully conscious of the damage it's inflicting on the environment in schools? Does it know that it could reduce the amount of extracurricular activity by the actions it's proposing we take tonight? Does this government actually realize that it could lessen the learning experience available to students all across the province? Is that part of some calculation that this government is prepared to make for its other ends?

There is a time-honoured way to find that out, and it's not on the football field, as much as my colleague would like to line up against some of the other members to see how good their extracurricular training was. Instead, it's in committee. If the government has such confidence in this bill, let it bring it to committee. Let it bring it to the communities where the schoolchildren are going to be affected. But you know what, Mr Speaker? I can tell already that this is not a government with confidence in this bill. This is a tawdry bill. This is a leftover, a Band-Aid. This is not something for the quality of education. We will see the outcome of that if any of the members opposite take up my challenge to debate or if they give us the time in committee to expose this for the attack on education that it is.

The Acting Speaker: Further debate?

Mr Marchese: I'm happy to have the opportunity to speak to Bill 74. A few members, Liberals and Tories, were challenging themselves to a football game, or in a football field. I've got to tell you, that game is brutal. It's bestial.

Mr Tascona: How about a soccer field?

Mr Marchese: You've got to play a soccer game perhaps. It's much more decent. You've got skills, right? It's a fair game. Please don't make references to football. Have you seen that game where people massacre each other on the field? Please. Better a nice game of soccer. It's clean, intelligent. Not to demean football, of course, for those who play it.

I've got to tell you, I worry about a government that never sleeps. These people don't sleep. These people hit the sack at night saying, "Who are we going to whack today?" or "Who are we going to whack tomorrow?" But if you're going to whack them, you've got to whack them fairly. Never whack them unfairly. I heard a couple of members talk about how, "We're now treating both the Catholic and the public boards fairly." Yes, you're treating them fairly. You're whacking them both equally, but fairly, of course. We wouldn't want to create the impression that there is unequal treatment now that you guys are in power.

I want to speak to the politics of this issue. What this is about is cutting dollars, of course, but also blaming. That's why I say when you guys go to bed at night, you say, "Who are we going to whack today?" You decided teachers are your victims for the time being. Why? Because as you do polling, you say to yourselves: "We did some polling here. It shows that going after teachers is not a bad thing." It isn't because M^{me} Ecker really hates teachers. I don't think she does. She loves them, in fact. Is it because M. Harris hates teachers? I don't think so. He loves them too. After all, he was a teacher at one point. He knows very well what it was like. So how could he do anything that would hurt the profession of which he was a member, right?

Mr Tascona: Don't get personal. Stick to the bill.

Mr Marchese: No, no personal stuff at all. I don't want to say anything about the Premier. I'm sure he was a good teacher. Some say he was a good teacher.

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Mr O'Toole: Who's doing the evaluation?

Mr Marchese: Who's doing what? Evacua—? We'll try to get to that non sequitur; we'll see if we can make sense of it.

The Acting Speaker: The member for Durham would know that he needs to be in his seat.

Mr Marchese: What are we doing with this issue? We are going after teachers because your polling reveals that by going after them you're on safe ground. You are, because your polling shows that you are. "If we beat up on teachers, will the public say, 'Yeah, we think so. Teachers are'"—let me guess. Underworked? Overpaid? Does the polling reveal that?

Interjection: Other people work hard.

Mr Marchese: Other people work hard, of course, but teachers are underworked and overpaid. How do we fix that problem? There's a thing in this Bill 74 called instructional time. We're going to make them work a little harder because the public thinks they don't work very hard. So how do we play politics with the public? Bismarck—there was a politician.

Interjections.

Mr Marchese: Minister, I made reference to Bismarck because I thought you might look him up. I am sure that you guys are good disciples of Bismarck. Why? Because Bismarck created a crisis in order to get re-elected. Brilliant. Now, M. Snobelen knew that. I'm assuming he was a good disciple of Bismarck because he

said, "We create a crisis, we'll get re-elected. The public will say, 'God, look at this mess in the school system; we have to fix it.'" And then the Tories come in and say, "We're fixing the problem."

Let's go back a little bit in history and think of the amalgamations of the school boards. "Too many school boards," the Tories said. Does the public believe there are too many school boards? Well, they don't know. But Mike Harris is going to tell them, "There are too many school boards, so we're going to fix it." In Toronto we had quite a number of school boards. I used to be a trustee with the Toronto board.

Interjections.

The Acting Speaker: I cannot hear the speaker. I remind the member for Durham that he's not in his seat and that it works much better in here if the member for Trinity-Spadina, who has the floor, is not heckled.

Mr Marchese: Speaker, I appreciate the help. I couldn't hear myself either for all that screaming. Please, a little calm on the other side.

Amalgamations of the school boards: I used to be a trustee with the Toronto board, eight years. I quit my job in order to do that full-time. And I have to tell you, I used to love that job because I felt that doing political work in a school system was as important as being a city councillor, just as important. I have to tell you that I did that work full-time because I felt it was important to be able to serve the public and the parents in a way that you needed to be in the school system to understand, and not just go to a meeting every now and then and simply put up your hand and say, "Yep, that seem all right," and then go home. You have to be there. You have to go to the parent meetings. You have to go to the schools. You have to go to those committees to hear what the issues are all about, right? You can't do that on a part-time basis the way these people want them to do the job.

That's what they want. They don't want trustees to, first of all, attack governments when they take money away, attack governments when the boards and teachers and students are under attack. So how do they deal with that? You simply, literally, eliminate school boards, but not entirely, because you still need school boards to be your foil so as schools close, Minister Ecker says: "Please don't come to me. I didn't close the schools. Go to the trustees." You understand. You give boards just sufficient power so that you can use them for the dirty work that they need to do because of the underfunding.

So when we amalgamated school boards, what we did was to simply create a whole lot of chaos in the system. The director of this new Toronto district board is so busy making their agenda work, she's got no time to go to meetings. There's no time to respond to parents. There's no time to address the Education Improvement Commission that says, "We need a plan to reach out to parents." How could you reach out to parents when you as a director or principal and everyone else in the system is so preoccupied with cutting money that you have no time to deal with the parents?

We've lost that closeness we had with teachers and parents, with parents and trustees. We've lost all of that connection we had to each other. That's the sadness of what this government has created. This is none of their business really; the consequences of their actions are irrelevant to them. The point is they needed to take money out of the system, so they simply say: "You've got to amalgamate. You've got to save money."

Then you go after the trustees: "Oh, those trustees, those politicians. My God, we've got to take politics out of education. We've got to make sure the trustees don't get paid enough, so that they don't do any politics." A whole lot of teachers bought into that, and generally, the public bought into that. This government says: "Oh, my God, these trustees are building Taj Mahals. They've got so much money to waste. We, as a government, are just going to"—it's unbelievable.

Talk about a boondoggle. Talk about spinning. You guys are good. I have told you before, you guys are really good. So we get rid of trustees and there's no more politics, but we leave them there to make sure they do the dirty work for you. Good thinking, an artful kind of politics.

Then we introduced Bill 160. Why on earth would you introduce Bill 160, except and unless you wanted to squeeze money, suck money out of the education system. Why? Your tax cut was coming and you needed money to give to your rich buddies. You can't do it without taking it from somewhere. Did you really think? Please. The people out there, at least the parents who are involved—and about 25% to 30% of the people in Ontario are parents—are quite political and they don't like you people, for good reason.

The other 73% of the people, who are not parents, don't know the game. You tell them: "Trustees are wasting money. My God, it must be in the billions. Boards must be wasting money in the billions. The bureaucracy in the Toronto board, and not just the Toronto board but everywhere, must be so huge. We could probably solve the deficit with it, if not the debt." The poor Ontarians who don't know any better say, "Yes, we could probably solve the deficit and the debt if we cut there." It's pitiful actually.

That's why I say you guys are good. Bill 160 was designed to centralize control, to take it away from the boards and the trustees and put it in the hands of Monsieur Harris, and now Madame Ecker, the chief steward of that. You squeeze. When the opposition says, "Oh, but you're taking a billion dollars," Madame Ecker is here tonight and says: "No, we're not. You're spinning a conspiracy theory." The opposition says, "You're taking money out." She says: "No, we're not. Where do you get your figures from?"

Maybe because we're the opposition we just invent. Yes, we invent these things because we know your intention is not to take money out, because, good God, you've given so much and parents out there are so grateful to be fundraising every night, fundraising till they drop. They're so grateful to you that you've given them

the ability to be able to fundraise for their schools that they understand what you're doing. They know you've given a lot of money. That's why they're fundraising even more to make ends meet, because they know how tough this economy has been in the last five years.

Five years of a good economy, money coming out of their—many areas. Where's it going?

Hon David Turnbull (Minister of Transportation): That's what good management does for you.

Mr Marchese: Good management says, "We give money to the rich and we squeeze everybody else in the education system, our health care system, our social services, poor seniors."

Mr Wettlaufer: Good management creates a surplus.

Mr Marchese: Yes, I know. Good management means that you take five billion bucks, spread it out over a couple of years and give it to business. That's good management. Five good years of an economy without you giving them money. All of a sudden, you find five billion bucks to give to them. You've got to be nuts to follow that logic. If they were able to produce a good economy without you, why would you give them my money, the taxpayers' money, five billion bucks? Look at the stupidity of it all—with all due respect, Speaker.

The money managers who trade in the paper economy are the lazy bums—the guys who sit there by the computer and say, "Oh, here's a deal, made a couple of thousand; switch over in the next couple of minutes to something else and make a couple more thousand." These are the corporate welfare recipients of my money. They said, under this new budget, that the first \$100,000 of these money managers, who make the big bucks, doesn't get taxed. They cut welfare recipients by 23% and then they give these people, the ones with the moo-lah, the pecunia, the bucks, a tax break.

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Good honest citizens, taxpayers, can you understand the folly of it? Mr Turnbull says this is good management. I think you, honest citizen out there, good honest, paying, hard-working taxpayer, would think that that's corporate welfare, that you don't give your money away to people who are making money. You've got to think these people are nuts. I think they're nuts, and I think you good people of Ontario believe these people are nuts too.

They give \$1 billion away at \$200 a pop; \$1 billion, a whole lot of money. They could have cut the debt, which is my burden and my responsibility too, and you, good taxpayers, that's your burden and responsibility too, and these people give away \$1 billion to make you feel good by giving you \$200. How do you feel about a Tory government that sends your money away to the big corporations and gives you 200 bucks instead of cutting the debt? How do you feel, good, honest, hard-working citizens, taxpayers of Ontario? You've got to tell these good managers, "People work hard and they don't want their \$1 billion to go away while you feed your friends money they don't need, taking money from me to give to your buddies." You've got to think someone is nuts on the other side.

Bill 74: Someone from the Liberal caucus said, "You good people of Ontario should pick up the bill and read it." Who is going to pick up this bill and read it, leaf through this stuff? It's legal stuff. Good people of Ontario, are you going to read through this stuff? I'll tell you how good these Tories are: All you need to do is get hold of the first page and it will give you what you need. I'll read it for you. Ecoutez, s'il vous plait, un instant. It says, "Bill 74, An Act to amend the Education Act to increase education quality"—beautiful—"to improve the accountability of school boards to students"—need I say more?—"parents and taxpayers and to enhance students' school experience." You don't have to read the bill, the politics is on the front page. Every time you read the front page, good citizens, taxpayers of Ontario, if you see stuff like this, I'm telling you, don't believe it.

Mr O'Toole: Address the cameras.

Mr Marchese: I am addressing the camera. There are two cameras over there.

Interjection: You're not speaking through the Speaker.

Mr Marchese: Always through the Speaker, with one eye over here and another eye over there. I see him over there.

So this is the politics, right? It's called placebo politics. "How do we make people out there, the good taxpayers of Ontario, feel that we are actually doing something? If people feel good right here, that's all we need to do. We don't want to force the good public of Ontario to read through the bill. We just have to make them feel good right here."

I've got to tell you that with the polling you're doing, you know you're making the public feel good right here. That's placebo politics, right? Never give them the medicine they need; give them the medicine they think will make them feel better. That's what this is all about.

People try to talk about the detail of the bill. That's not what it's about. You think these people concern themselves about detail? I tell you, they introduced five or six or seven or eight municipal bills, each to correct the stupidity of the previous one. Do you think they care about bills and consequences? That's not their concern. The concern is: "Does the public buy into what we have

presented?" Does the public understand that Mr Snobelen said, "We need to create a crisis," and that Bismarck was quite good at teaching these people a lesson: Create a crisis, then you say you're going to solve it? Does it solve it? It's irrelevant. Solving a problem is not part of what these people do. It's part of making people in Ontario feel good. That's placebo politics. That's what these people are all about.

I made reference to Machiavelli the other day. These guys are good Machiavellians: The end justifies the means. These people are good practitioners of some of these famous politicians of the past. I wish that we New Democrats were as good as they are. Our problem was that we were too fond of often telling the truth—

Laughter.

Mr Marchese: Mr Turnbull laughs.

Hon Mr Turnbull: That's a good place to stop, Rosie. That's the best yet.

Mr Marchese: Oh, really? But listen, Mr Turnbull, I'm going to have some more time tomorrow. I'll be back to finish this up and I will have some time to expound on that a little, for your edification, of course, because I know that you find this so very amusing.

Interjection: Keep going.

Mr Marchese: Oh, I will, because I've got so much material here. I've got a whole lot of time. Speaker, how much time do I have before you want me to finish? One minute? How time flies in this place.

So before I end, the people of Ontario need to understand the political game. Minister Ecker constantly says to the other people that every other person who makes the point about what she's doing is of course not telling the truth; only she is telling the truth, and the bill says so. The bill gives you a hint and the truth of what is to come and you simply need not bother with the detail. Just go home, be happy and carry on with your work.

Speaker, I know you're rushing me. I want to thank you for your attention. I'll be back tomorrow night at a quarter to 7.

The Acting Speaker: Thank you. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2127.

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1180-2987
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No. 60A

N° 60A

ISSN 1180-2987

**Legislative Assembly
of Ontario**
First Session, 37th Parliament

**Assemblée législative
de l'Ontario**
Première session, 37^e législature

**Official Report
of Debates
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Wednesday 17 May 2000

Mercredi 17 mai 2000

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 May 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

EDUCATION FUNDING

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise today on behalf of the students, staff and ratepayers of the Renfrew county public school board. I'm doing so to once again press their very justifiable claim for rural and remote funding under the new Ontario government education funding formula. Renfrew county, as the House will know, is the largest county in Ontario. From the town of Arnprior in the south to Deux Rivières in the north, it stretches 200 kilometres along the Ottawa River valley, and from the Pas in the east to Combermere and Palmer Rapids in the southwest there is a distance of almost 150 kilometres.

The Renfrew county public school board has been denied again and again the kind of rural and remote funding that they are obviously entitled to under the new formula. They look to the immediate north and west and see the public boards in North Bay and Parry Sound receiving over \$2 million on this rural and remote account, and they ask where, in the name of fairness and justice, is their allocation on that rural and remote account.

They look at the Ontario budget presented by the Treasurer of Ontario just a couple of weeks ago and they now see communities like Gravenhurst and Bracebridge, not more than 90 minutes north of Toronto, being included in northern Ontario for all government of Ontario purposes. Surely common sense and fairness dictate that if Muskoka can be included in northern Ontario, the Renfrew county public school board should, as a minimum, get the rural and remote funding they have so long and so justifiably requested.

ONTARIO PROVINCIAL POLICE

Mr Toby Barrett (Haldimand-Norfolk-Brant): This past Saturday, May 13, I attended the ribbon-cutting opening of the new headquarters for the Haldimand-Norfolk detachment of the Ontario Provincial Police. It was a great ceremony and provided a good official kickoff to the new era of policing in Haldimand-Norfolk.

Although the OPP have been providing all policing services in our area for over a year, they had not yet

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officially opened their new headquarters. It was fitting that the ribbon-cutting in Simcoe happened just before Ontario Police Week got underway. Attended by hundreds of local people, the day provided an excellent opportunity to celebrate the contributions policemen and policewomen make to keep our communities safe, and these contributions were recognized by numerous speakers.

The OPP set up displays by its tactics and rescue unit, its explosives disposal division and its emergency response team. There seems to be a sense that much greater emphasis is being put on combatting crime, and that is why safe schools and safe communities must be a priority.

Support for police officers, and for community policing, is alive and well in my riding. Since they were chosen to provide policing to both rural and urban areas in Haldimand-Norfolk, the OPP has been up to the task. I'm pleased to be speaking here today during Police Week, and offer the police of Haldimand-Norfolk many good years in their new home.

OTTAWA AREA

Mr Richard Patten (Ottawa Centre): I'm pleased today to rise to update the House on economic development in the Ottawa area, from whence I come as a member. Yesterday, along with fellow members from eastern Ontario and the Ottawa area, I met with a delegation of municipal and business leaders from the region. The theme of their presentation was the changes in the Ottawa area that are transforming it from a government town to an international centre for high-technology innovation.

Let me restate some of the facts. The new city of Ottawa is Canada's fourth largest city—this within an economic area of a million people. In the final quarter of this year, the technology sector will surpass the federal government as the biggest single employer in the region. Overall, employment in the area is expected to increase by 11% by the year 2004, the highest in Canada. The economic spinoff is great. Each high-tech job supports about three other jobs in the community. Technology is intensive, and the technology-intensive companies will generate over \$10 billion in exports alone this year.

In short, we are seeing the area grow and prosper in ways never seen before. Many of the highly skilled young people moving into the city over the next few years will have young families. One of the things that will happen is that we'll see lots of children in the area. I

find it incredible and short-sighted that the government would force school boards to close schools and cleanse our downtown neighbourhoods of young families at the very time this growth is taking place. This is precisely the time for the government to provide leadership and initiative by revisiting the formula that is closing schools and shutting down neighbourhoods. Now is the time to start planning for the long term, and I encourage the government to start doing that today.

PROPERTY TAXATION

Mr Peter Kormos (Niagara Centre): In the spring of this year, non-profit, ethnic cultural halls in my riding began receiving tax notices indicating that their property taxes had doubled and tripled. This was as a result of an interpretive memo which instructed the Ontario Property Assessment Corp to reclassify these properties as commercial rather than the historical residential classification.

I soon discovered from my colleague Jim Bradley in St Catharines that the same was happening to his cultural halls. He and I engaged in a series of meetings with the regional chair, her citizens' advisory committee and with all our cultural halls, not just in our own ridings but across Niagara region.

I promptly wrote to the minister, calling for an end to this discriminatory practice. Unfortunately, notwithstanding the efforts of Mr Bradley and myself, our frequent raising of this issue in the Legislature during members' statements and during any number of debates, we received no support from our Conservative counterparts, who insisted it was up to municipal councils to simply provide rebates.

Well, our Conservative counterparts were wrong. And although I'm disappointed in their lack of support for cultural halls, I am pleased to tell you, both in my own right and on behalf of Mr Bradley as well, that we've been advised by the ministry that the property assessment corporation has been instructed to reclassify these properties as residential, which is where they belong as non-profit organizations, and their taxes will now be reduced to the historical level that they always have been.

I want to thank Mr Bradley and all those cultural halls and their leadership for participating in this campaign.

BARRIE COLTS

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I rise to congratulate the Barrie Colts for winning the Ontario Hockey League major junior championship last night with a hard-fought seventh game victory in Plymouth, Michigan. Now they will go to the Canadian junior championship tournament in Halifax, Nova Scotia, starting this weekend. As well, their goaltender Brian Finlay was selected the most valuable player of the championship series.

The Barrie Colts have reached this lofty pinnacle of success in just five years of existence. In fact, the Barrie

Colts are one of only a few teams in the history of the OHL that has reached the Memorial Cup playdowns within that short a time frame.

Since day one, the Barrie Colts have brought exciting, entertaining hockey to the city of Barrie and have earned extraordinary support from the people of Barrie. The Barrie Colts is a team of young men with extraordinary character and commitment. This year the team has overcome tremendous adversity, both on and off the ice, and still managed to make it to the Canadian championship, an extraordinary feat.

Mr Speaker, I'm sure that you, all members of the Legislature and the people of Ontario will join me in congratulating the Barrie Colts for their outstanding achievement and in wishing them well and all the best in Halifax as they strive to bring the Memorial Cup back to Ontario.

1340

LOW WATER LEVELS

Mr Bruce Crozier (Essex): Over the last month or so I have been bringing to the attention of the Minister of Natural Resources the crisis that we have, not only in Essex county but in the whole Great Lakes basin, with low water levels. Marinas have had to close in my riding because of these low water levels. On the occasions when I've brought it up to the minister, I've asked that he consider giving assistance to these marina operators, to property owners with their problem with the low water levels. The minister wouldn't commit to anything. He talked about low water levels in the province but wouldn't commit to helping these people in a time of crisis.

Well, now we have a commitment from the federal government for some \$15 million, to be matched by the marina operators of Ontario, if the province of Ontario will consider being a partner. I wrote to the minister over a week ago and I've heard absolutely nothing. This government says it wants small business to flourish, it wants to help homeowners, property owners in times of crisis. Here's your chance, Minister of Natural Resources. The federal government has come to the table with some \$15 million and I'm calling upon the Minister of Natural Resources of Ontario to enter that partnership and put the Ontario government's \$15 million on the table.

FEDERAL HEALTH SPENDING

Mr Ted Arnott (Waterloo-Wellington): Again it is necessary to speak in this House about the grossly insufficient commitment to health care by the federal government. Last year I tabled in this House a private member's resolution which called for a full restoration of the federal cuts to the program that supports health care, and the establishment of an escalator clause to keep pace with rising costs. The urgency of the matter was reflected in my resolution's unanimous passage last month with support from the Liberal Party and the NDP, which I appreciated. Yesterday I sent a letter to the Prime Minister of

Canada outlining these facts. The Prime Minister must now be aware of the strong and building consensus about the lagging federal commitment to health care.

Ontario is committed to spending \$22 billion this year on health, up from \$17.4 billion when we took office in 1995. By contrast, the federal government's commitment is down by \$1.7 billion annually. And the architect of medicare and former top adviser to Prime Minister Pearson, Mr Tom Kent, recently made the case for increased federal funding for health care in his testimony to a Senate committee in Ottawa. He stated that the federal government has "dishonoured" the commitment to medicare, that they are the cause of what ails the system and that they must help fix it with a funding boost and a mechanism that keeps pace with the provinces' rising health care costs, all of which underscores the points I made in my resolution.

My hope for the next meeting of federal and provincial health ministers is that the government of Canada will heed a unanimous call, led by our Minister of Health and agreed to by all the provinces, and restore this funding immediately.

RAVES

Mrs Sandra Pupatello (Windsor West): Special congratulations go out today to police and customs for the largest drug bust of ecstasy in Canada's history. They've just announced that today 170,000 tablets of ecstasy were seized at the Toronto Pearson airport. This ecstasy was destined for Canada's streets, and this is why every member of the Legislature needs to come into the House tomorrow during the debate of the Raves Act and vote in favour of this bill, because this bill will allow municipalities to set the conditions to allow for a permit system in order to hold a rave in Ontario.

The timing is critical for us. As the summer months approach, more and more raves will be happening in every city and town in Ontario. It is up to us, and we do have the power to regulate and allow for a safe rave to happen in our communities. I am asking this House with great earnestness to come in during the debate of the Raves Act tomorrow. I am asking both Minister Tsubouchi and Minister Runciman, who headed up the summit held at Toronto police headquarters in March, where I also attended and listened to what the municipalities and police authorities are asking for: the authority to let police lawfully enter a rave and see that the conditions for the permit are being met. Municipalities then can determine what those conditions will be: in the right geographic area; the age control, if they choose.

It is incumbent on us because we have the power to set the legislation that is required. The police do not have the tools as it stands today, nor do the municipalities. But we in this House can make that difference tomorrow when we come to vote on the Raves Act. I am asking you and imploring you for your support.

TOURISM

Mr Marcel Beaubien (Lambton-Kent-Middlesex):

Friday is the launch of Ontario Tourism Week 2000, which will run from May 19 to 28. Ontario Tourism Week is a 10-day celebration of the importance of tourism to the province's economy. This year's theme is "All the Best Right Here," in recognition of the diversity of world-class tourism products and experiences Ontario has to offer all year long.

Tourism is a key engine of Ontario's economic growth. Tourism creates jobs, attracts investment, contributes nearly \$16 billion in spending to the province's economy each year, and supports more than 450,000 jobs. Tourism is Ontario's fifth-largest export industry. In 1998, tourism brought nearly \$7 billion in foreign exchange into the province.

The Ontario government is working with the industry to strengthen Ontario's tourism competitiveness and to market the province as a four-season, world-class, must-see destination. Tourism Week is an opportunity for Ontarians to learn more about the many tourism attractions and experiences that our province offers. Events and activities are planned at provincially operated attractions and other locations across the province. Through Ontario Tourism Week and other marketing efforts, we want to tell the people in Ontario, Canada and indeed the world all about this province's many fascinating and exciting and unique tourism experiences.

On behalf of Minister Jackson, I invite Ontarians, tourists, travellers and industry members to take part in Ontario Tourism Week, and I invite them to travel our great province in all four seasons to explore Ontario, a place with more to discover.

VISITOR

The Speaker (Hon Gary Carr): Just before we proceed, in the members' east gallery is Mr Sam Cureatz, the member for Durham East in the 32nd, 33rd and 34th parliaments. All members will join in welcoming him.

We will notice that he is minus the seagull that has made him so famous in this institution.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): Yesterday the member for Algoma-Manitoulin raised a point of order with respect to a written question to the Minister of Energy, Science and Technology. The question was filed on December 22, 1999, and the ministry filed an interim response on May 11, 2000, indicating the final answer would be tabled on June 22.

The interim response filed on May 11, 2000, was in compliance with the period of 24 sitting days pursuant to standing order 97(d). The member, however, is taking issue with the length of time established in the interim response for the tabling of information.

Standing order 97(d) is very clear. The minister may indicate that more time is required to prepare the answer, and the approximate date on which it will be tabled.

I find the standing order has indeed been complied with.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin, I am pleased to inform the members of the Legislative Assembly that we have with us today in the Speaker's gallery Mr Ed Doyle, a former Speaker and member of provincial Parliament for Wentworth-Leeds.

Interjections: The best Speaker we ever had.

The Speaker: I concur with the members.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Ms Frances Lankin (Beaches-East York): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bills without amendment:

Bill Pr19, An Act respecting Redeemer Reformed Christian College

Bill Pr20, An Act respecting Ner Israel Yeshiva College

Bill Pr22, An Act respecting the Town of Greater Napanee.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the 10th report of the standing committee on government agencies.

Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

Motions?

Mr James J. Bradley (St Catharines): Mr Speaker, on a point of order: I know the government House leader will want to be in for this and I'm sure he will acquiesce. With the Premier expressing concern about the price of gasoline, I would like to ask unanimous consent for second and third reading of Bill 16, An Act respecting the price of gasoline.

The Speaker: Is there unanimous consent? I'm afraid I heard a no.

Mr Howard Hampton (Kenora-Rainy River): Mr Speaker, on a point of order: Having read about the Premier's concerns about high gas prices, I ask this

House to give unanimous consent for the government to order a rollback of gas prices for the long weekend so we can give Ontarians a break before they get gouged again.

The Speaker: Is there unanimous consent? I heard some noes.

DEFERRED VOTES

PARENTAL RESPONSIBILITY ACT, 2000

LOI DE 2000 SUR

LA RESPONSABILITÉ PARENTALE

Deferred vote on the motion for third reading of Bill 55, An Act to make parents responsible for wrongful acts intentionally committed by their children / Projet de loi 55, Loi visant à rendre les pères et mères responsables des actes fautifs commis intentionnellement par leurs enfants.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1351 to 1356.

The Speaker: All those in favour of the motion will please rise one at a time to be recognized by the Clerk.

Ayes

Amott, Ted	Hardeman, Ernie	Palladini, Al
Baird, John R.	Harris, Michael D.	Runciman, Robert W.
Barrett, Toby	Hastings, John	Sampson, Rob
Beaubien, Marcel	Hodgson, Chris	Snobelen, John
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clark, Brad	Jackson, Cameron	Sterling, Norman W.
Clement, Tony	Johns, Helen	Stewart, R. Gary
Coburn, Brian	Johnson, Bert	Stockwell, Chris
Cunningham, Dianne	Klees, Frank	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tsubouchi, David H.
Dunlop, Garfield	Mazzilli, Frank	Turnbull, David
Ecker, Janet	Molinari, Tina R.	Wetlaufer, Wayne
Elliott, Brenda	Munro, Julia	Wilson, Jim
Eves, Ernie L.	Murdoch, Bill	Witmer, Elizabeth
Flaherty, Jim	Mushinski, Marilyn	Wood, Bob
Galt, Doug	Newman, Dan	Young, David
Gilchrist, Steve	O'Toole, John	
Gill, Raminder	Ouellette, Jerry J.	

The Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	Martel, Shelley
Bradley, James J.	Dombrowsky, Leona	Martin, Tony
Brown, Michael A.	Duncan, Dwight	McGuinity, Dalton
Caplan, David	Gerretsen, John	Patten, Richard
Christopherson, David	Hampton, Howard	Peters, Steve
Churley, Marilyn	Hoy, Pat	Phillips, Gerry
Cleary, John C.	Kormos, Peter	Pupatello, Sandra
Colle, Mike	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Lalonde, Jean-Marc	Smitherman, George
Crozier, Bruce	Lankin, Frances	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 52; the nays are 32.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

QUESTION PERIOD

The Speaker (Hon Gary Carr): Just before we begin question period, the members will know we are trying to keep the questions in the neighbourhood of around one minute. We did that reasonably well in the beginning but we are starting to drift off. There are two reasons for that. One is that it allows more members a chance to ask questions and, also, it helps in terms of getting the questions put to the members. So we will try to keep within the one minute.

The members will know that in other Houses, including Westminster, the Speaker actually yells at the members if they go over the minute. I'm not going to do that because, one, it's not my style and, two, I think the Speaker should try to be the one who's most polite in here.

We did try situations where we warned, where we yelled "question," but that didn't work. The reason that didn't work is other members wouldn't know and they couldn't tell if it was me yelling or somebody else. I would just ask the members' indulgence to try to stay to one minute.

I know it's also difficult sometimes to be looking at the Speaker, but if we do get to one minute, if it is helpful, I will be trying to rise or getting close to the edge of my seat so the members know the time is coming up. Again, the reason we are doing that is it allows all members to get as many questions on as possible.

I must say to all members that we have done, I think, an excellent job. We are getting more questions on this session than we have in a lot of other sessions, and it's because the members are doing a fine job in that. I thank them and we'll try and keep in that neighbourhood. Of course, it goes that replies will be within the minute as well.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I'd like to draw the members attention to the west gallery. We have two special people here: Deborah Bisci and Ryan Bisci. It's a special day for Ryan. It's his 10th birthday today, and his first time in the Legislature. We welcome them and wish him a happy birthday.

The Speaker: It's not a point of order, but we wish him a happy birthday as well.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: In response to your comments I just wanted to acknowledge the appreciation of the NDP caucus in some of the ways that you've handled the timing. Often it's our last question that gets lost when the House becomes very disruptive, and I wanted to point out that the stopping of the clock has gone a long way not only to preserving the time but to putting extra emphasis, on ourselves included, on not using up that time. As much as it's our efforts, we wanted to thank you for your consideration and sensitivity toward our needs.

The Speaker: I appreciate that very much. As you well know, in this job it doesn't often happen that a Speaker receives that, so I do thank the member for that. Again, it is because of the co-operation of all the members and I thank all of them for that.

ORAL QUESTIONS

ONTARIO POWER GENERATION

Mr Dalton McGuinty (Leader of the Opposition): My first question is for the Premier. I have in my hand a copy of a document recently filed by Ontario Power Generation with the Ontario Securities Commission. It tells us a couple of things about the president. It tells us that his salary last year was \$1.7 million. It also provides that he's entitled to a long-term incentive plan package of \$843,500 if he helps bring about corporate results, which you and I both know to mean corporate profits.

I'll tell you what I'm concerned about. The president and others at Ontario Power Generation are considering the sale of the Lakeview coal-fired power plant. If they sell it as is, they'll make more money. If they place a condition on it that there be a conversion program put in place to convert from dirty coal-fired to cleaner natural gas-fired, they're going to make less money. What we have in place here is a perverse incentive plan that rewards the president for selling a dirtier plant and punishes him if he sells a cleaner plant. Do you approve, Premier, of this perverse incentive program?

Hon Michael D. Harris (Premier): Yes, Mr Speaker.

Mr McGuinty: Premier, I can't believe you understood what I said. I can't believe you said here today on behalf of the people of Ontario, but most particularly on behalf of the people living in the GTA, who will be exposed to the pollution coming from a coal-fired plant, that you think this is a good idea—because that's exactly what you just said. If this plant is sold as is, the poisonous air pollution emanating from Lakeview would be like adding a million cars to the GTA.

We have in place an incentive plan that rewards not only the president but other officers. It rewards the directing mind in a perverse way. It says you will make more money if you sell this plant as is, but on the other hand, if you place a condition on it that makes it safer for the people living in the GTA, then you're going to make less money. I will ask you one more time, Premier, do you approve of this perverse incentive package?

Hon Mr Harris: Yes, Mr Speaker.

Mr McGuinty: Let's take a look at your record now, Premier. We are the second-worst polluter today in North America. Doctors tell us that air pollution is killing 1,800 Ontarians every year. We also know that air pollution costs our health system over \$1 billion every year. You are the only shareholder in Ontario Power Generation; the government is the only shareholder. As the special shareholder, I am sure that you would want this company

to act in a socially responsible manner. That means you will not permit this incentive package to continue. As Premier for all of Ontario and as somebody who is presumably committed to our health, you will not allow this package to stand.

Premier, tell me you misspoke yourself the first two times. You've had an opportunity to reconsider. You're going to stand up, you're going to do the right thing and you're going to disagree with this incentive package.

Hon Mr Harris: So far in the first two questions I've said yes and yes. It's pretty hard to say I misspoke myself. I'm very supportive of the incentive plan that we have put before our senior people in our bureaucracy and the incentive with the CEO of Ontario Hydro. It has led to unprecedented debt reduction that you were never able to achieve when you were in charge, or that the NDP were ever able to achieve, of about \$3 billion over the last two years. As well, the incentive package has equal weight on environmental incentives as it does on the dollar incentive.

Finally, it is not up to Ontario Hydro to give us environmental conditions; it's up to the Minister of the Environment, who said there will be no sale of the Lakeview plant as a coal-burning facility. That's not a Hydro decision.

ONTARIO REALTY CORP

Mr Dalton McGuinty (Leader of the Opposition): The second question is also for the Premier. In the matter of the Ontario Realty Corp, the last annual report that they put out was for 1997-98. There's a law on the books in Ontario that says they've got to put one out within 90 days after the end of every fiscal year. They've got to submit that to your government. They should have done that 11 months ago. Can you tell us where this missing document is? Why is it that the Ontario Realty Corp has not prepared a public document in keeping with Ontario law and delivered it to you at least 11 months ago?

Hon Michael D. Harris (Premier): I'm sure the minister can respond.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I will ask the Ontario Realty Corp board of directors, who are responsible for the operations, to report back to me and find out where it is.

Mr McGuinty: Minister, the ORC is breaking the law in not filing their annual public report. That's what provides us with information about what's going on inside the ORC. More importantly than that, the same law says the minister shall then table the report before the Assembly. The law says the ORC is supposed to kick one of these out every year, and if they don't do so, they're breaking the law. It also says that you have the responsibility to then table the report. You haven't tabled the report. That means you're breaking the law.

Tell me, Minister, why is it that the ORC is breaking the law in failing to provide us with a public document and you are breaking the law by failing to table that document?

Hon Mr Hodgson: As soon as I have the report, I will be pleased to table it.

Mr McGuinty: This is so representative of the attitude you have brought, of the mismanagement you have brought to this file, of your refusal to make the ORC accountable to yourself and to the Ontario public.

This is a case that's very simple. The law provides specifically that every year the ORC, your government agency, is responsible for putting before the Ontario public, through you, a document accounting for its activities during the course of the past year. They failed to do so. That's breaking this law. The same law also says that you've got a responsibility to then table that document in this House so we all have access to it and, through us, the Ontario public. That means you're breaking the law. Minister, why is it that the ORC has broken the law and why have you broken the law in failing to table a very simple annual statement telling us about what's going on inside the ORC?

Hon Mr Hodgson: As I indicated, as soon as I have the report I will table it. I will ask the chair of the board for the report.

1410

CANCER CARE ONTARIO

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Yesterday we learned that Gerry Loughheed, the vice-chair of Cancer Care Ontario, is being fired by your government. Gerry Loughheed has criticized your government's discrimination against northern Ontario cancer patients. He has called it "health care apartheid." He has pointed out that cancer patients from southern Ontario who need to travel for access to cancer treatment have all of the travel and accommodation costs paid for by your government, but northern Ontario cancer patients who have to travel hundreds of kilometres to attain cancer treatment are told to pay the lion's share of those costs out of their own pocket. Premier, is this what your government does when someone who advises your government points out that a policy is wrong, that rather than fix the injustice, you fire that dedicated individual?

Hon Michael D. Harris (Premier): I'm sure the minister can respond, Mr Speaker.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would just share with you the fact that the appointments to the Cancer Care Ontario board are reviewed. As you know, we try to ensure that, as appointments are made, we have representation of all individuals from across the entire province. As we take a look now at the composition of the board, we have learned, Mr Loughheed has indicated, that he has responsibilities for another campaign in Sudbury which will keep him busy, and we will be appointing others.

Mr Hampton: I would say to the Minister of Health and I would say to the Premier that Mr Loughheed is very clear: He's not leaving. He's not saying he won't serve; he is being shown out the door by your government.

Premier, this is quite relevant to you because he says in his letter: "In particular, Premier Harris should be held accountable as the MPP for Nipissing. As a northerner, how can he govern this province knowing that cancer patients have to reach into their own pockets to access treatment? In last month's Ontario budget, a thoughtful northern Premier would have eliminated this two-tier travel system."

He's talking about that health care apartheid. He's talking about people in your own riding who have to travel to get cancer treatment and have to pay for that travel out of their own pockets. He's talking about some people who can't access cancer treatment because they can't afford to pay the travel costs, the accommodation costs. Meanwhile, your government pays those costs for some other cancer treatment patients.

Premier, this is specifically to you: Is this how you treat someone who steps forward and says: "This situation is unfair. This situation is unjust. This situation amounts to health care apartheid"? Is this what you do, instead of fixing it?

The Speaker (Hon Gary Carr): The member's time is up. Minister of Health.

Hon Mrs Witmer: As the member of the third party should know, the position taken on travel, whether individuals live in the north or the south or the west or the east of this province, is the same. It is when individuals are re-referred that Cancer Care Ontario is making available the additional money for travel. So it makes no difference where you live; if you are re-referred, you receive the additional funding.

The Speaker: Final supplementary, the member for Nickel Belt.

Ms Shelley Martel (Nickel Belt): Minister, northern cancer patients aren't being re-referred. We have southern cancer patients who are having to access care in northern Ontario, and when they come to Sudbury and Thunder Bay, they are having 100% of the cost of travel, accommodation and food covered by your government. That's the reality. That's the discrimination we're trying to point out to you.

Gerry Loughheed also said the following:

"The cost to fund the travel of radiation patients in northeastern Ontario requires an additional \$3 million, about the same amount of money it costs to run one of those anti-federal-government ads done a few weeks ago. I know that one of the five principles of medicare is accessibility, not propaganda, so the money could be better spent helping northern patients get life-saving radiation treatment. In addition, the northern health travel grant program should be given to northeastern and northwestern regional cancer councils to administer."

There is no need for a review. The discrimination is clear and the time to end it is right now. Will you do the right thing and cover costs for northern cancer patients too?

Hon Mrs Witmer: I have here a letter dated July 1999 to the Premier from Mr Loughheed, where he says, "Your government is doing an excellent job re regional

cancer delivery." I would go on to say to you that it was Cancer Care Ontario, of which Mr Loughheed is a member, that also asked the provincial government to ensure that funding was available in order that individuals could be re-referred. So whether you live in northern Ontario or whether you live in the east, west or south, if there is a need for re-referral to other areas to receive treatment, the same funding is provided to everyone if you are re-referred.

GRANDVIEW TRAINING SCHOOL FOR GIRLS

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Premier. We asked your government yesterday to extend counselling to abuse survivors of Grandview Training School for Girls. Now new information has come to our attention. We have learned that a growing number of women have just become aware of the Grandview agreement, because when they were at Grandview it was called something else. It was called the Ontario Training School for Girls at Galt. They didn't know of the government's offer of counselling and education support and they didn't know it extended to them. We've been told that some of these women who are just learning about the agreement have brought their complaints forward to the Kitchener-Waterloo police.

We've also learned that a lawyer has approached the Ministry of the Attorney General and asked for those counselling and support services, and they've basically been turned down. The lawyer who has approached the Ministry of the Attorney General has made it clear: "Either your government shows compassion and agrees to help these people or we will wind up in court." Your government will be sued.

Premier, will your government do the right thing? Will you include these women in the original Grandview agreement so that they receive the counselling and support services they need, or will you force them to take your government to court?

Hon Michael D. Harris (Premier): I will ask the Attorney General to respond.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The availability of counselling, which was raised by the member for Beaches-East York yesterday, is a matter of serious concern. I've had an opportunity to review some of the figures and to check some of the numbers with respect to the number of women involved who have accessed the funds available for counselling, and to what extent they've been accessed. I saw some preliminary figures this morning. There may well be room within the available funds that have already been allotted for counselling, pursuant to the terms of the agreement, to make some accommodations in that regard. You have my undertaking to continue that review and to get back to you about what can be done to ensure that adequate counselling is provided.

The Speaker (Hon Gary Carr): Supplementary, the member for Beaches-East York.

1420

Ms Frances Lankin (Beaches-East York): That's helpful, Minister, because we were going to ask you about the \$10,000 that had been allotted to each woman, many of whom had not utilized that before the cut-off date. The agency you put in charge of administering that is not able to tell us the amount; they can only tell you. I'm assuming you have that. I'm going to ask you to tell us today how much of the \$10,000 has gone unspent and how far that will go in meeting the needs, because your comment yesterday that they can go to free community mental health services is being scoffed at.

In the Kingston area, for example, Dr Margaret Joynt says: "It's very easy for a minister in Toronto to say, 'Oh well, they've got lots of community services.' The services that are free are almost non-existent. What are we talking about?" And Rosa Oliveira, the coordinator of the Kingston Sexual Assault Crisis Centre, says there are waiting periods from four to 14 months.

Clearly you need to review the agreement. The issue of extending the counselling benefits is critical, but also the issue of including the women who were never included under the original Grandview agreement who are now coming forward, who are entitled to the same kind of compassionate treatment. Will you agree, Minister, to review the entire Grandview agreement?

Hon Mr Flaherty: This is a matter of serious concern. You're asking me to review the agreement that your government negotiated in 1994, suggesting to me, I gather, that your government did not do a good job in negotiating that agreement. I have already reviewed—

Mr Hampton: You want to turn this into a partisan issue.

Hon Mr Flaherty: The leader of the third party interrupts me. I have already reviewed parts of it. It's a serious matter. I've looked at what figures we had quickly available with respect to how much money had been used by victims. As the member opposite knows, some victims chose not to participate in the agreement at all and whether some of those victims are also seeking counselling now is another issue. Some people chose not to sign on. That was an option they had, as I understand it, back in 1994.

Having said all that, the important thing is that the necessary treatment is received by these victims of Grandview. You have my undertaking to work on the issue to get as accurate figures as I can and get back to you about it.

GASOLINE PRICES

Mr Mike Colle (Eglinton-Lawrence): A question for the Premier. I was glad to see you complaining about gas prices yesterday. As we begin another summer season, Ontarians are packing up and anxious to travel this summer with the long weekend upon us. Here we go: Gas price gouging season has kicked off again. Obscene jumps in gas prices will once again make long weekends unbearable for many Ontarians. The Ontario Liberals on

this side have put forward four private members' bills to stop the gas gouging. Mr Bradley has put forward a bill, Mr Crozier has put forward a bill, Mr Bartolucci has put forward a bill and I have put forward my own gas price watchdog bill. All these bills would protect Ontario motorists and stop the gas price gouging.

In 1975, Bill Davis stepped in to protect consumers. As Premier, you have the power, and you do so to protect consumers on the price of natural gas and the price of electricity. It's time for you to stop finger pointing and bellyaching and do what Premier Davis did in 1975: protect the motorists of Ontario.

Hon Michael D. Harris (Premier): I think the member would know that I am a Premier and this is a government and this is a party that does not like to intrude in others' jurisdictions. We've been very careful, whether it be school boards or municipalities or the federal government, that we will go to absolutely the nth degree and to any length to work co-operatively with that level of government that has jurisdiction. We are doing that with the federal government, which now has admitted jurisdiction on competition. We have our gas-busters task force reporting. I know that the Liberal Party will often trample on others' jurisdictions willy-nilly, without thinking, but we are not a party or a government that would do that. If at the end of the day the federal government completely abdicates its responsibility, we may then have to look at whether we would intrude on their area of jurisdiction.

Mr Colle: Mr Premier, when it comes to gas price gouging, you're all talk and no action. You, as the Premier of this province, have the power to protect Ontario consumers when it comes to pricing. You do it for electricity; you do it for natural gas. In 1975 Premier Davis stepped in to protect consumers. Stop passing the buck. We have very clear ways of protecting consumers, good suggestions on this side. Pass this bill today. You can stop the bellyaching and take concrete action, because frankly people don't want to hear any more complaints. They want you to do your job. Prices are at 75 and 78 cents a litre.

Are you not stepping in because you collect \$6 million a day in provincial taxes? Are you not stepping in because you collect \$3 billion a year in provincial taxes? You are partners with the oil companies in pocketing all this money. Is that why you're not stepping in? Stop whining and do something.

Hon Mr Harris: I have tell you, I don't get a lot of letters from the oil companies saying, "Dear Partner." In fact, they don't talk to me very much since I have championed the cause in Ontario and raised the issue of the lack of competition. When I raise these issues it seems to cut to the very heart of what they are concerned about, because I do not think we have true competition. That's what we're trying to get at.

Interjections.

Hon Mr Harris: It's very difficult. I think I can be heard over the shouting and screaming of the opposition. I'll do my best, Mr Speaker.

Premier Davis did bring in a very short term intervention bill, which if we were to enact today would freeze artificially high prices for a very short period of time. We don't want to freeze prices high for a very short period of time, particularly artificially high. We would like to see true competition and that is what we are working for.

PUBLIC EDUCATION

Mr Jerry J. Ouellette (Oshawa): My question is for the Minister of Education. Last Thursday the member for Parkdale-High Park questioned your commitment to public education. Specifically he asked, "Minister, don't you just want to not have public education at all?" I know the parents in my riding of Oshawa are committed to public education. I think all the members of this House would like a clear answer to this question. Minister, what is your commitment to public education?

Hon Janet Ecker (Minister of Education): Thank you to the member for Oshawa for an opportunity to counteract some of the inaccurate information we are subjected to from time to time across the way.

Our commitment to public education is very clear. A publicly funded education system, one that has higher standards, better quality, more accountability, is very important, very much a building block for not only our economic prosperity in this province but also our success as a society and our quality of life. When we were challenged by the United Nations and by the federal Liberals to back off that commitment, we stood firm and said no.

Mr Ouellette: The question from the member for Parkdale-High Park raised this issue and certainly suggested that his party would be committed to public education. I would guess it's safe to assume that the Ontario Liberals are willing to join the fight for public education in Ontario. Minister, can you explain what role other organizations or parties are prepared to play in the fight to defend public education?

Hon Mrs Ecker: It was interesting that when the United Nations came out with their ruling, the first people out of the gate were some of the teacher federations, supporting public education. The Liberal Party didn't see fit to issue a statement to that effect, which is rather interesting. The opposition leader, the provincial Liberal leader, Mr McGuinty, stated during the election campaign that he was prepared to consider public funding for private schools. He has been supported in that position by some of his backbenchers. When we asked the question, as I think it was appropriate for us to ask on behalf of taxpayers, what his position was on this issue, he said very equivocally in a letter that he didn't think we should be funding private schools at this time, which is a rather interesting open door, I would suggest, and very much unlike the NDP, who have been very unequivocal in their position in support of public education with us.

1430

PROTECTION OF PRIVACY

Mr John Gerretsen (Kingston and the Islands): My question is to the Premier. You know that you continue to use a double standard when it comes to the so-called snitch lines. The Minister of Finance's tax cheat snitch line was very quietly shut down over two years ago, yet at the same time you continue to use those lines as they relate to the Ministry of Health and the Ministry of Community and Social Services.

Information on individuals apparently is kept for up to seven years, even in cases where individuals have been cleared of any allegation of wrongdoing. According to our privacy commissioner, Ann Cavoukian, an independent officer of this assembly, this may very well be illegal and contrary to section 39 of the Freedom of Information and Protection of Privacy Act.

Premier, will you today commit that you will remove all snitch lines so that the privacy of Ontario residents will be fully protected?

Hon Michael D. Harris (Premier): I think the Chair of Management Board has some information on this, but I'm not sure.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I guess the question is, will we remove the snitch lines? I don't think so. I don't think that's what the privacy commissioner is asking for either. What she is asking for is a look to make sure that this information is kept confidential and at what point it is destroyed.

We have already committed to review that act, and I would be pleased to take your suggestion and include it in the review that will go before the all-party committee.

Mr Gerretsen: My supplementary is for the Premier as well. As you know, the Speaker is currently deliberating on a matter of privilege raised by the member from Renfrew dealing with allegations by the privacy commissioner that may be viewed as a contempt of this Legislature.

You weren't quite correct in your answer, Minister. I have a copy of the letter to the editor that Ann Cavoukian wrote to the Kingston Whig-Standard. She quite specifically states therein, "I have recommended to the government that the records relating to unfounded accusations collected from 'snitch lines' be destroyed at the end of the required year of retention." That's what the privacy and information act says. It is currently being kept for up to seven years in the Ministry of Health and the Ministry of Community and Social Services.

Why don't you adhere to the law, your own laws that you are now in charge of? It's your watch. It says one year. Why are you keeping this information for seven years, thereby in effect destroying the privacy that people are entitled to in this province? Adhere to the law. You seem to be disobeying the law in a lot of different areas.

The Speaker (Hon Gary Carr): Order. The member's time is up.

Hon Mr Hodgson: To the member across, don't get too excited. I answered your question that her concern wasn't to abolish snitch lines, which is what I thought you said. If you didn't say that, that's fine. She is asking for one year until you destroy the records, as you indicated in your supplemental. I already undertook to you that you can include it in our review of the whole act. We've committed to review the Freedom of Information and Protection of Privacy Act. That will go before the all-party committee and we'll take a look at the results.

VICTIMS OF CRIME

Mrs Tina R. Molinari (Thornhill): My question is to the Attorney General. There are reports out today that show our policies are causing crime rates to fall in most areas. Victims, however, tell a different story. They feel violated, insecure and unsafe in their own communities. In my constituency of Thornhill, safety is an ongoing concern. For that reason, I will be hosting a safety forum with the York region police on May 23. We are looking forward to addressing safety concerns in Thornhill, and those of victims of crime.

Minister, what is the government doing to protect and promote the rights of victims in Ontario?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member for Thornhill for the question. This government has taken a leadership role in protecting victims' rights in Ontario.

In 1995, we promised to advance the rights of victims and I'm very pleased to say that we have lived up to that promise in at least five ways, first of all with the historic Victims' Bill of Rights in 1995. This was an important step in acknowledging and responding to the needs of victims of crime.

In 1998, we established the Office for Victims of Crime. We've staffed the office with crime victims and criminal justice professionals to offer the best possible service.

Third, since 1996 we have tripled the number of domestic violence courts in Ontario.

Fourth, we've also hired an additional 59 new crown attorneys to ensure victims have more opportunities to be heard, and we have committed an additional \$10 million annually to implement a coordinated justice strategy for domestic violence cases.

Mrs Molinari: Thank you, Minister, for that very informative response. The Office for Victims of Crime is clearly one of the most important initiatives for victims put forth by this government. I would like to know what the minister has planned for the future of the Office for Victims of Crime.

Hon Mr Flaherty: I am proud to say that with the help of \$1 million from the budget of my colleague the Minister of Finance, the Office for Victims of Crime will now be a permanent part of the Ministry of the Attorney General. That office does important work. It includes reviewing victims' services in Ontario, developing a victims' services model, reviewing provincial legislation

and policies to provide recommendations for improvements, reviewing federal legislation and policies which impact on the administration of justice in Ontario and again recommending improvements, and enhancing compliance with the Victims' Bill of Rights. The Office for Victims of Crime is a cornerstone of our commitment to promote and protect the rights of victims in Ontario. This funding will allow the government to keep this commitment for years to come.

WATER EXTRACTION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of the Environment. Today I was in Wentworth-Burlington with Jessica Brennan, a candidate in the Wentworth-Burlington by-election—the by-election the Premier's afraid to call—and the issue is this: While communities in Wentworth-Burlington face another drought, your government is busy granting new permits for commercial water-taking of millions and millions of litres of water every day.

In addition, because of your government's cuts to the conservation authorities, we now have conservation authorities like the Hamilton one out there selling water-taking permits, selling water rights because that's the only way they've got to get money, instead of protecting our water resources.

The point is this, Minister: Before the election you imposed a moratorium on water-taking permits because of the absurd situation. Then you took it off. Will you put that moratorium back and then start a process to ensure that our water resources, especially in southern Ontario, are sustainable before you sell and give away more water?

Hon Dan Newman (Minister of the Environment): I want to tell the leader of the third party that we are indeed committed to protecting Ontario's water supplies and ensuring that those supplies are sustainable well into the 21st century. He should also know that it was this government, the Mike Harris government, that showed international leadership on the issue of water-taking. We brought into force a water-taking and transfer regulation to prohibit the transfer of water from Ontario's major water bases.

The leader of the third party should also know that all permits to take water must be posted for a minimum of 30 days on the Environmental Bill of Rights registry for public review and comment. Obviously the comments on that are reviewed by the ministry when making a decision whether or not to grant a permit.

The Speaker (Hon Gary Carr): Supplementary, the member for Broadview-Greenwood.

Ms Marilyn Churley (Broadview-Greenwood): Minister, the inadequacy of that response is breathtaking. We have a serious drought problem in Ontario and you are approving water-taking permits willy-nilly, sometimes without public comment, like the one to Blue Circle Industries. You are allowing them to take 11 million litres a day from one well. Then we see the proposal

from the OMYA company to take 4.5 million litres every day for 10 years from the Tay River near Perth, all this with dropping water levels of lakes and rivers and dry wells.

Minister, the Premier cut your budget once again. You don't have the resources to investigate these proposals. You don't know how much water is out there and you don't know the impact of these permits on the ecosystem. We need a full review of the whole permit-to-take-water system. I ask you again, will you impose a moratorium today on the issuing of new water-taking permits to industry at least for the summer so we can do this?

Hon Mr Newman: The member was speaking willy-nilly. Perhaps that was a reminder of what her government did on the environment with respect to water-taking permits. But we don't take that approach. In fact, as I mentioned, the Environmental Bill of Rights registry requires 30-day posting of any permits to take water. There are also hydrological studies that need to be taken before any permit to take water is put into place.

In fact, this year we're putting conditions on permits to take water, which may include the restriction that no more than 10% of a stream flow may be taken, in order to protect the natural functions of the stream.

1440

SAFE STREETS ACT

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Attorney General. When the squeegee bill was debated, our caucus told you that it would have a negative impact on charity events across the province, and now the chickens have come home to roost. Just last week, on May 12, in the riding of Waterloo-Wellington, the local members of the Ontario Students Against Impaired Driving had to cancel their annual highway blitz as a result of the squeegee bill. They were denied the opportunity to raise funds for a worthy cause solely because of your short-sighted legislation.

Minister, your legislation is costing Ontario charities millions of dollars. Will you commit today to repeal Bill 8 or support the amendments that have been proposed by my colleague from Essex in Bill 64? Will you commit to either of these actions today?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member opposite for the question. If there's some misunderstanding in the member's community with respect to what the act means, then I'd be pleased to have the ministry be of some assistance. I have written to every municipal leader in the province of Ontario reminding them, and I remind the members opposite, that the Highway Traffic Act has always made it an offence for someone, while on a roadway, to stop or attempt to stop a vehicle or to offer or provide any commodity or service to anyone in the vehicle. That's an important first step. That has always been the law under the Highway Traffic Act in Ontario.

Indeed, charities in Ontario have found it quite possible to carry on their charitable undertakings. For example, the London chapter president of the Canadian Cystic Fibrosis Foundation wrote in a letter to the editor of the London Free Press on March 30:

"It is the intention of our foundation and Shinerama committees across Ontario's colleges and universities to continue this successful campaign. In addition to raising awareness and funds for CF research—"

The Speaker (Hon Gary Carr): Order. I'm afraid the Attorney General's time is up. Supplementary.

Mrs Dombrowsky: I find it interesting that the minister would say to us in the House today that it has always been an offence when traditionally, across the province, many charities have for years employed these venues to raise funds. It has never been a problem in the past.

The Kinsmen and Kinnette Club in my community planned to have a voluntary toll on the holiday weekend to raise money for cystic fibrosis. They raised \$2,500 last year. This year when this organization contacted the OPP, as they have done every year, they were denied. It has been indicated that: "As of December 14, 1999, Bill 8, known as the 'Safe Streets Act,' makes it an offence to solicit money from anyone in a vehicle that is stopped on the roadway You can appreciate that neither the OPP or municipal council can supersede the legislation and offer any permission to conduct a roadway toll booth."

Minister, are you prepared to act today to ensure that events like this can continue, as they have for many years without harm, in the province of Ontario?

Hon Mr Flaherty: I remind the member that what she's describing in the letter is a situation where someone is stopping a vehicle on a roadway and soliciting. That has been against the law in Ontario under the Highway Traffic Act for many years.

If there are fundraising groups in—

Failure of sound system.

Hon Mr Flaherty: —cystic fibrosis group in the member opposite's riding, I invite them to contact Chris Townsend of the London chapter of the Canadian Cystic Fibrosis Foundation to learn how they were able to carry on their fundraising quite adequately, and to also speak to the—

Interjections.

The Speaker: Order, please. I can't hear the answer. I need to hear the answer. Attorney General, sorry.

Hon Mr Flaherty: The member might also help her constituents by asking them to consult with the firefighters who support the Muscular Dystrophy Association, who came to see me and who were quite satisfied with the resolution of their difficulties. If they need help, they can go to those sources, those other charities, for help and guidance on this issue.

TOURISM

Mr Doug Galt (Northumberland): My question is directed to the Minister of Tourism. Businesses, municipal politicians and local residents in my riding are pretty concerned about your ministry and the way the ministry's Summer 2000 planner was put out. They're upset because neither Rice Lake nor harbours in Cobourg or Port Hope are mentioned in this planner. Trenton, Campbellford and Hastings are also not listed as excellent travel destinations for boaters on the Trent-Severn waterway. And what about the country fairs that take place? Why were they not listed as well?

The calendar of events in the centre of the planner only mentions one art and heritage event in the entire county, while Cobourg's Waterfront Festival, Port Hope's Capitol Theatre, Colborne's Apple Blossom Festival and many others are absent.

Minister, why are so many events and tourist destinations left out, and could you please explain what criteria were used to design this particular planner?

Hon Cameron Jackson (Minister of Tourism): First of all, I'd like to thank the member for Northumberland for his question. He has raised some significant concerns on behalf of his constituents.

The 48-page Ontario summer program planner is an advertising supplement that's produced by the Ontario Tourism Marketing Partnership. I'm pleased to report that in developing this important document to promote tourism in our province, we contacted 2,500 different attractions and over 250 destination marketing organizations within our province. That included Northumberland county. Unfortunately, Northumberland chose not to participate in the advertising program to expose their wonderful festivals and programs.

I also wish to share with members of the House that this is part of an overall strategy to expand and enhance access to festivals in the province. We have been working co-operatively with Ontario 2000, and in that joint marketing we've been able to expose and market far more festivals this year than ever before in the province's history.

Mr Galt: Thank you, Minister, for the response. I'm sure you understand that tourism is one of Northumberland's biggest industries, so you can understand the importance of making sure that most, if not all, events are included. We have great events like the Great Farini Heritage Festival in Port Hope, the Applefest celebration in Brighton, not to mention the rural agri-ventures coming up in Campbellford this weekend.

Minister, for the next publication, can you ensure that the county office in Northumberland will be contacted so that most, if not all, events are listed and mentioned in planners in the future?

Hon Mr Jackson: I want to assure the member that we will continue, as we have in the past, to enhance the commitment we've made to Northumberland and all regions in the province to promote tourism activity.

As you know, the government has committed \$170 million, unprecedented in Canada in terms of marketing and promotion for tourism activities. We recognize it's the fastest-growing industry in our country, and it also includes the unprecedented support we received from the Treasurer and the Premier, with \$50 million in additional dollars for marketing, especially four-season marketing of Ontario. Last year alone, our efforts expanded access to our province by 1.5 million more trips and that resulted in about \$510 million more of consumer spending and increased about 17,000 net new jobs in our province.

There are more regional activities that we'll continue to promote. In fact, I'll be in Northumberland next week during Tourism Week to provide some support for the Port Hope Festival Theatre, and I know the member will be pleased to join me for that important announcement.

1450

ONTARIANS WITH DISABILITIES
LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Premier. My question is about honour, integrity, and being a man of your word.

Five years ago, you promised in writing that a Harris government would enact an Ontarians with Disabilities Act within your first term of office. You promised personally that you would work with the Ontarians with Disabilities Act Committee towards developing that legislation. That was your personal promise, Premier. You are now one year into your second term of office: half a decade, two elections and three ministers since you promised action. Two broken promises, Premier, no legislation—don't tell us Bill 83 was legislation—and you continue to refuse to meet with the committee.

You talk about being a government that does what it says it's going to do. Premier, you've broken your trust. You've broken your word. Why won't you meet with the committee? Are you afraid to face them?

As the Premier of this province, would you show some integrity and keep your promise to the more than 1.5 million persons in this province with disabilities? I implore you, will you stand up today and commit to one hour of your time to meet with the committee to whom you made that promise, a promise you have not kept?

Hon Michael D. Harris (Premier): I think there were maybe 10 or 11 questions contained in the preamble. Let me say very clearly that I committed to bring legislation forward in our first term of office and I did bring legislation forward in our first term of office. It was debated. In fact, it had considerable consultation. I was asked by the representatives of the disabled community if I would withdraw the bill and have more consultations. I honoured that commitment as well. Immediately upon re-election, probably primarily on that commitment, we asked the new minister to begin those consultations, which, of course, are taking place. I'm a little surprised, from a party that says we do too much, too fast, that you

are now telling me I'm too slow. But we'll try and find the right balance of getting all of our commitments done.

Mr Peters: Bill 83 was a joke. When you look at the government's own Web site, it doesn't say that it was withdrawn by the government; it died on the order paper.

Premier, I have repeatedly asked the minister responsible for disabilities issues, not only in this House but by letter, for details of her elusive action plan. I have asked her who the groups are she claims to be meeting with and what the results are of those supposed consultations.

Now, Premier, I've been forced to go through freedom of information, and you know what? You want \$465 to get simple answers to simple questions. It's absolutely appalling and undemocratic that this government would see fit to charge money rather than giving open and honest answers to that question that both the opposition and the public have a right to know. Answers in question period are an ancient parliamentary right.

Premier, will you save the taxpayers \$465 and instruct your minister to openly and honestly answer a question in this Legislature? Otherwise, I'm sending the cheque over to you. Here's your money, Premier. Now will you please get me the answer to my questions? Where is the minister on her action plan? When is this action plan going to be released? With whom has the minister been consulting? What are the results of these consultations? It's been six months since that action plan was announced. The time is ticking. The time has come for action.

Hon Mr Harris: In addition to honouring the commitment to bring the bill in and honouring the commitment to have more extensive consultations to bring forward legislation, which your government refused to do in five years, the NDP refused to do in five years, which is why it befell our government, like so many things you refused to do—in addition to doing that, without the legislation, we brought in the Ontario disability support program. We've committed \$68.4 million over the next five years to address the needs of Ontarians with Alzheimer's disease. We've provided direct funding to persons with disabilities to enable them to arrange and manage their own attendant services. We've provided 35 million new dollars in resources for more support and services for people. We've committed a new workplace tax incentive to encourage businesses.

I might say, I have a cheque here for \$465. If it doesn't come with strings attached, like most of your promises, the Minister of Finance will be pleased to cash it.

COMMUNITY MUSEUMS

Mr John O'Toole (Durham): My question is to the Minister of Citizenship, Culture and Recreation. As I'm sure you know, my riding of Durham is home to the Clarke Museum. Just recently, the Clarke Museum celebrated its 30th anniversary, and I personally want to thank you for the special effort you made to provide a commemorative certificate. I must also congratulate the

chairman of the Clarke Museum, Brian Jung, the vice-chair, Valerie St Croix, and the past president, Donna Robins, all of whom attended with the other board members.

The Clarke Museum plays an important role in our community and, like many smaller rural communities, faces a number of challenges in fulfilling a mandate to promote and preserve the heritage of local communities. I understand also that the Provincial Auditor has prescribed some changes to the way museums are provided with funding by the government. Minister, please outline what impact these changes have on small rural museums and what our government is doing to protect them.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank my colleague from Durham for the question. I would like to tell the people in the audience today that May is Museum Month. I hope everybody goes to their local museum and makes sure they support their local museum. They're a very important part of our local culture, our local history, and it's imperative that we all go to make sure they survive.

The majority of the 600 museums in Ontario are in small communities, so it's really important that we have a granting system that makes sure we're sensitive to the needs of these local communities. The auditor asked us simply to make sure we had guidelines for granting funds to these museums and to make sure we adhered to the guidelines. The government set up six criteria, of which four needed to be met, so that all museums across the province would have an equal chance to make sure they got grants from this ministry. This year we've been able to add 10 new museums to the granting system as a result of that.

Mr O'Toole: Thank you for that very comprehensive response. My riding of Durham is also home to the Bowmanville Museum, with Charles Towes, Arnold Bark and Elin Logan, to name but three. Scugog Shores Historical Museum in Port Perry and Susan Neale were anxious to hear what you're doing to help small rural museums. I hope you can tell us what our most recent budget did to protect the funding for rural and country museums.

Hon Mrs Johns: We have a number of different initiatives I should speak to when I'm asked a question like that. The first would be that we should talk about the heritage challenge fund, which is a \$10-million fund, half of that going to museums. As they find partners, that allows them to match funds, to have longevity, to have financial security. It's really important for our heritage areas across the province.

I also want to talk about the museum granting system we have in place. We have provided nearly \$3 million for that, to make sure the museums across the province have dollars to operate on a day-to-day basis. That's really important for the 600 museums across the province. We look forward to continuing the relationship we have with all museums in Museum Month.

GASOLINE PRICES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Victoria Day is almost here and the long arms of the oil companies are set to reach deep into the pockets of hard-working Ontario consumers yet again. It's called the long weekend gas gouge. I read in the papers today that you are suddenly upset about this increase in gas prices, so I want to make a suggestion. You are the government. You have the power to bring legislation before this House today, and we can pass that legislation, to roll back gas prices so that the hard-working consumers of Ontario aren't gassed and gouged once again. You have the power. You can bring forward that legislation today by unanimous consent; we can pass it. Premier, will you show us that you're really concerned about the increase in gas prices? Will you roll back the prices before this long weekend and protect the consumers? You have the power. You can do it. Let's go.

Hon Michael D. Harris (Premier): I'm not surprised the member would phrase the question in such a way: "You have the power. Be dictatorial. Use this power. Intervene in the marketplace. Do this. Do that." That is the party that overrode labour negotiations, brought in the social contract, gutted agreements, and one of the reasons you only lasted one term was that you abused power. You intervened in the marketplace, you drove jobs out of this province, you took us to record unemployment, you had record numbers of people on welfare and we had a record deficit—all as the result of your abusive, dictatorial use and misuse of power. And now you want us to do the same. *Au contraire*. We are a party of consultation; we are a party that works with groups; we are a party that understands federal jurisdiction; and we are a party trying to work with the federal government and those Liberals in Ottawa who won't do the right thing.

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Mr Hampton: I think we've just heard from the apologist for the oil companies. We've just heard the big oil company line. Don't intervene on behalf of consumers. Let the oil companies artificially raise the price by 10 cents or 15 cents a litre on a long weekend with no justification at all. We just heard from the spokesperson for big oil.

Premier, you know and I know that your predecessor Bill Davis, when oil companies were trying to do this once before, brought forward legislation which froze gas prices and then, in effect, rolled back gas prices. I'm not asking you to do something radical. I'm asking you to do something which a Conservative Premier did once before in this province to protect the consumers. What is it, Premier? Are you speaking for the oil companies or are you going to do the right thing?

Hon Mr Harris: There was an area where we could do something to help truckers and motorists and cab drivers that was within provincial jurisdiction. We rolled back the sales tax that you brought in on insurance premiums, further victimizing cab drivers, further victimizing truckers in this province, further victimizing and

taxing motorists all across this province. You had jurisdiction there. What did you do with your jurisdiction? You rolled the prices up by taxing insurance premiums. We took the taxes down to help all motorists.

It appears to us that your Liberal position on this is that there should be a monopoly, their position seems to be to nationalize and we're for open competition.

The Speaker (Hon Gary Carr): The Premier's time is up. New question.

Interjections.

The Speaker: Yes, it was. He got up at 58 seconds. I thank the Minister of Labour. He got up at 58 seconds; it's almost a minute.

RETIREMENT HOMES

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the minister responsible for seniors. A series of articles about abuse of seniors in private retirement homes pushed you to undertake a consultation on the need to regulate these homes over the winter months. Your consultation was done quietly, behind closed doors, by invitation only. We've heard absolutely nothing from you since. I understand that privately you may be saying that these private homes don't want to be regulated and that it's too complicated a matter for legislation.

Minister, as you know, I tabled a private member's bill on care homes the first week of April that would set up a care homes review board to investigate problems with the care provided in these private retirement homes. I sent you a copy. I suggested you might use it as a basis for government legislation which we could all support. I have heard nothing back.

I ask you today, when will you release the results of your consultation on the regulation of private retirement homes and when will you bring forward legislation?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to say two things about how this question was raised. First of all, the member opposite talks about elder abuse. Right in the Blueprint commitment in 1998 and 1999 we said we were going to do elder abuse round tables to ensure that elders lived safely within their communities. We have done that without any questions or answers from the members opposite. We moved forward on that because safety for elders is a very important issue for us.

Secondly, when we're talking about retirement homes, we've done a lot of consultation with people in the community. The parliamentary assistant, Brenda Elliott, has been out talking to people and has done a terrific job with respect to that. I've read the proposed legislation from the member opposite. We work to make sure that every senior in the province is safe.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I seek unanimous consent for immediate second and third reading to Bill 16, An Act respecting the price of gasoline.

The Speaker (Hon Gary Carr): I'm afraid I heard a no.

PETITIONS

DEVELOPMENTALLY DISABLED

Mr Alvin Curling (Scarborough-Rouge River): I have a petition that I'm sure the government will pay attention to. It reads:

"To the Legislature of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I affix my signature in total agreement with thousands of people who have signed this petition.

EDUCATION LEGISLATION

Mr Rosario Marchese (Trinity-Spadina): "To the Legislative Assembly of Ontario:

"Whereas Bill 74"—you're familiar with that one—"diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 means fewer teachers so that the government might deliver tax cuts to the very wealthy people of this province; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I affix my signature to this because I support it.

DEVELOPMENTALLY DISABLED

Mr John O'Toole (Durham): The table will be very satisfied that this is the last time I will be presenting this petition on behalf of the Honourable Dan Newman, who, as a minister of the crown, can't present petitions on his own behalf. But his constituents continue to send in these petitions. From Cay Shedden and Judy Patterson:

"To the Legislative Assembly of Ontario:

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I'm pleased to sign and present this petition.

1510

SCHOOL CLOSURES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Kinsmen/J.S. MacDonald school is slated for closure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/J.S. MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I've also signed the petition.

DEVELOPMENTALLY DISABLED

Mr David Young (Willowdale): I too have a petition, Mr Speaker. The preamble is the same as the petition presented previously by the members from Durham and Scarborough-Rouge River. I'll not repeat it, but I will leave the operative clause, with your permission.

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so that it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I affix my signature in full agreement with the additional 44 constituents who have signed this petition.

EDUCATION LEGISLATION

The Deputy Speaker (Mr Bert Johnson): Further petitions? Further petitions?

Ms Frances Lankin (Beaches-East York): Yes.

The Deputy Speaker: The Chair recognizes the member for Beaches-East York.

Ms Lankin: Thank you, Mr Speaker.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 means fewer teachers so that the government might deliver tax cuts to the very wealthy people of this province, and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I am in complete support and affix my signature.

The Deputy Speaker: I just want to comment on the members who are standing up and those who might be standing up sometime and having a conversation. It obstructs the view of the Speaker to recognize people who are standing up. My apologies to the member, but I didn't see you. I only take a little bit of the responsibility for that; the rest of it I'm going to blame on the members from Brampton and Parkdale-High Park.

PENSION FUNDS

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas the Ministry of Health announced a new model on January 25, 1996, for improving and coordinating long-term care services. The amalgamation of the home care and placement coordination services function did shift to community care access centres (CCACs). The governing bodies of various pension plans, namely the Ontario Municipal Employees Retirement Savings (OMERS), Victorian Order of Nurses (VON), Family Services Association (FSA) and Hospital of Ontario Pension Plan (HOOPP) have failed to successfully negotiate agreements for a transfer of pension assets.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the pension adjustments are a transition item which the ministry has not yet addressed. We are requesting a one-time adjustment to enable the transfer of pension assets. This transfer is required to ensure that employees transferred from predecessor employers (namely health units and the Victorian Order of Nurses) to community care access centres as part of the mandatory government reform initiative for 'single access to long-term-care services' receive pension benefits equal to those which they formerly enjoyed. Provincially over 3,000 health care workers are affected. The individuals who transferred to the CCACs had no control over what would happen to their prior pension contributions. Unless a one-time adjustment is made to enable the transfer of reserves, the typical employee will lose about \$2,000 annually in pension benefits compared to the position they would have been in had they been allowed to remain in OMERS."

This is signed by a number of residents who have great concern for this from the Chatham area, and I affix my signature to it.

GOVERNMENT ADVERTISING

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly of Ontario:

"Whereas essential health care and educational services have been deprived of government funding because the Conservative government of Mike Harris has diverted these funds to self-serving propaganda in the form of pamphlets delivered to homes, newspaper advertisements and radio and TV commercials;

"Whereas the Harris government advertising blitz is a blatant abuse of public office and a shameful waste of taxpayers' dollars;

"Whereas the Harris Conservatives ran on a platform of eliminating what it referred to as 'government waste and unnecessary expenditures,' while it squanders well over \$100 million on clearly partisan advertising;

"We, the undersigned, call upon the Legislative Assembly of Ontario to implore the Conservative govern-

ment and Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising."

I of course affix my signature because I'm in complete agreement.

HIGHWAY SAFETY

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

"Whereas road funding is almost completely paid through vehicle permit and driver licensing fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to over \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with fully paved shoulders and rumble strips; and

"We respectfully request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements in Ontario."

I affix my name to this petition signed by concerned residents from the Tilbury region.

1520

ORDERS OF THE DAY

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): I seek unanimous consent that, notwithstanding standing order 77(b), House debate on Bill 33 may proceed without reprinting.

The Deputy Speaker (Mr Bert Johnson): Is there unanimous consent? It is agreed.

FRANCHISE DISCLOSURE ACT, 1999

LOI DE 1999 SUR LA DIVULGATION
RELATIVE AUX FRANCHISES

Mr O'Toole, on behalf of Mr Runciman, moved second reading of the following bill:

Bill 33, An Act to require fair dealing between parties to franchise agreements, to ensure that franchisees have the right to associate and to impose disclosure obligations

on franchisors / *Projet de loi 33, Loi obligeant les parties aux contrats de franchisage à agir équitablement, garantissant le droit d'association aux franchisés et imposant des obligations en matière de divulgation aux franchiseurs.*

Mr John O'Toole (Durham): Mr Speaker, when debate begins, if we could have unanimous consent for the following arrangements for the afternoon's proceedings:

Debate begins with one hour for the NDP, followed by one hour for the Liberals, and concluding with the government caucus for the remainder of the time. There will be no questions and comments on members' statements.

The Deputy Speaker (Mr Bert Johnson): Is there unanimous consent? It is agreed.

Mr Tony Martin (Sault Ste Marie): The business that we attend to here this afternoon is the culmination of a lot of work by a lot of people over a long period of time, actually some 30 years, but most particularly over the last five or six years and, in a most intense way, over the last few months in this place and around the province.

Thanks have to go to a lot of people, and I will reference them as I move through my comments here in the House this afternoon. I particularly want to give credit to the co-operative nature of the last couple of months, where this business is concerned, between all of the parties here at Queen's Park—the Tory caucus, the Liberal caucus and our own—in moving this forward under some very trying and difficult circumstances and finding some room, some common ground, some compromise so that at the end of the day we might be able to say to the 40,000 franchisees in Ontario that there is some legislation that governs their industry that they can count on if they have to go before the courts to get a grievance resolved.

Unfortunately, though, what we have today will not do all the things that some of us hoped it might do, things that were actually contained in a bill that I tabled in the House at least three times over the last five or six years that would have seen us move to actually regulating the relationship, that would have been good for those franchisees who are now doing business in this province, many of them under some duress.

The bill that we will pass here today will present some opportunity for them; however, it will not avoid the very costly court proceeding, with the money that has to be spent on legal advice and lawyers that will inevitably ensue from what we do here today. Having said that, it will be helpful and will respond to some needs that have been defined and requests by people in the industry out there, particularly the franchisees, and so we are happy to be participating in this debate and laying before the House some of the proceedings, some of the discussions, some of the thoughts and presentations that exist across Ontario today.

What we're dealing with today is the quintessential story of power and control. The world we live in today defines power and control by money: how much money you have, how much money you can make, how much

money you can get other people to give you, and, in some very rare instances, how much money you can share to make sure everybody is doing well.

In an environment of that nature, it seems to me, in the short time I've been looking at this piece of work, there are other factors at play. Among those factors is fear, a fear among people who shouldn't be fearing, who should not be worried about their livelihood, their future, their investment. Having done due diligence, having in all goodwill invested their money, sometimes all of the money they own and then some, they should simply be called to work hard, to put in the effort and realize the return that should happen on that effort. However, alas, that's why we're looking at legislation today. That's why in my view legislation is required, legislation that goes far beyond what is on the table today, which we are going to be satisfied, at the end of the day, at this point in time, will take us a small distance but which is not nearly good enough to deal with the very real anxiety and fear that is out there today among the some 40,000 franchisees doing business in this province. Those 40,000 franchisees represent, just to give you an idea of the scope of this industry, some \$4 billion in investment by franchisees, some \$45 billion worth of retail sales, and in hires it is the employer of some 500,000 workers in the province.

It's very important that we take a serious look at and take to heart that which we might do, and make every effort to go as far as we can to put in place things that will create a level playing field, that will present to people the opportunity they felt they were getting into when they signed agreements to go into business in Ontario.

Just to highlight the aspect of fear, during the presentations we heard as we travelled the province some four or five weeks ago, the Canadian Federation of Independent Grocers, who presented to us I believe in Ottawa, said:

"Fear is generated when franchisees are forced to sign restrictive or controlling franchise agreements that limit their ability to manage their businesses as independent operators in the best interests of the consumer ..."

"Fear occurs when franchisors locate new stores in the same marketplace as the franchisee they supply. Fear of economic retaliation should franchisees associate to discuss common areas of concern and, therefore, increase their potential bargaining power ..."

Unless you've had an inside look or you have been in relationship with somebody or you've actually been in business yourself as a franchisee, it's hard to imagine and understand that that exists today out there in the small business sector, the franchise sector of the industry that drives this province. However, it does, and that's why we're here today. We're here today to do something that will be helpful in lessening that fear, in lessening that anxiety and giving these folks some access to vehicles that will reduce the possibility of this continuing and give people some redress.

Franchising in Ontario was studied as far back as some 30 years ago, when the Grange report was commissioned by a predecessor of mine in Sault Ste Marie, the then Minister of Consumer and Financial Affairs for the province, Arthur Wishart. In commissioning that report, he also asked that a review be done of pyramid selling and referred sales. Just to give you an idea of the flavour, the sense of what was happening in franchising even as far back as 30 years ago, you had a government looking at franchising, pyramid selling and referred sales. In describing franchising in Ontario, that report called for a review of the "evils of franchising." I have to tell you that those evils exist to this day and are more disconcerting because of the size of the industry in Ontario compared to what it was 30 years ago, and the number of people involved, the number of lives affected by this.

The Grange report recommended legislation. The report was filed with the minister of the day and, alas, nothing was done. It sat on a shelf until a most recent attempt to do something substantial when, as many of you will remember, the Pizza Pizza debacle blew up in this province. Some of you will remember that in response to that, a colleague of mine in this place back in the early 1990s brought forward a piece of legislation to deal with it. There was a lot written in the local newspapers about Pizza Pizza at that time and the very difficult circumstance the franchisees found themselves in trying to deal with the franchisor in that instance.

1530

I share with you just some of the commentary that was written in the Toronto Star on May 2, 1993, talking about Lorne Austin, the main franchisor in that instance. They called him a "flamboyant con man with a string of bankruptcies." "Austin was one of the most prolific white-collar criminals I have prosecuted in my career." That was said by the judge who found him guilty. Kent Neal, assistant Attorney General in Florida, called him a "racketeer, a wheeler-dealer, a cocaine-crazed megalomaniac."

This is just one of the people operating franchises in this province who are taking advantage of men and women of goodwill who simply want to invest some money to secure a job and a future and a pension and perhaps even, who knows, pass that on to their children so that they might leave a legacy. But when you're dealing with the kind of person described here in the Pizza Pizza situation in the Ontario of that day, you don't have to wander too far to begin to realize just exactly what was happening and why we need the kind of legislation that Jim Wiseman called for at that time, that I've called for over a period of five or six years now, most recently in Bill 35, that would not only call for disclosure up front before an agreement is signed, and the right to associate, given that those are important things, but would call for a regulating of the relationship so that people like Mr Austin no longer have the freedom to operate in the way they have.

It's interesting, reading one of the documents out of the United States that is put out to attract franchisors into

Canada, and Ontario in particular, that they describe the environment for franchising in Ontario as the Wild West: "Come on in and shoot them up. Take advantage, get what you can and don't worry about the carnage that's left behind. It's just a matter of making money as fast as you can and then ultimately getting out."

Most recently, in the mid-1990s, on the urging of Mr Wiseman, who had tabled a piece of legislation at that time, the then Minister of Consumer and Commercial Relations, Marilyn Churley, commissioned a study. I have here the results of that study, under the heading of "Franchise Sector Working Team." It was a report to the Minister of Consumer and Commercial Relations. It was finally completed and tabled with the previous Mike Harris government and the minister of the day, Mr Norm Sterling. Interestingly enough, the central recommendation in that report was that legislation be developed and put in place. So once again there was a call for legislation. There was a call for legislation in the Grange report. There was a second call for legislation in the franchise sector working team report to the minister in 1995.

Just to give you an idea of some of the pull and tug that's happening within this place and across the province as we work to achieve even some small victory in this effort, here's a part of a letter that was written by one of the participants in that working team who saw it as not in keeping with the voice that he was carrying from a significant number of franchisors across the province. As a matter of fact, the member who wrote this letter was sitting on the working team representing the non-Canadian Franchise Association franchisors in the province. Now, if you figure that the Canadian Franchise Association represents some 15% of franchisors in the province, then this fellow represents the other 85%; at least that's the math that I would do. So you have 85% of the franchisors in the province saying to the minister of the day, "Given that everybody else on the working team agreed, as did the people who put together the Grange report, that we needed legislation, regretfully I have advised Mr Art Daniels and Mrs Eleanor Friedland that I will not be able to sign off on the status report of the franchise working team." It says: "It was my understanding that on August 22, representatives of the team were to review the final document which had been circulated previous to this meeting. The earlier circulation was to provide an opportunity for all representatives to review with their constituency the content of the final report."

He goes on to say, "At no time was it contemplated that we would move directly from a report to recommending any type of legislation to government without understanding the need and the mandate of an industry self-managed organization." He goes on to say that he, "on behalf of the people that he speaks for will be pulling out of the franchise sector working team and will not be supporting the recommendations that are herein."

Even at that point, we weren't sure what kind of legislation might be imagined or put together. It was just a recommendation that legislation be considered given that

it was recommended in the Grange Report, and you have the spokesperson for conceivably 85% of the franchisor piece of the industry saying, "We're not interested in legislation." It just gives you the flavour of the discussion and the debate and the difficult challenge it presented to those of us who felt very strongly that, not only was legislation needed but that legislation with teeth was needed if we were going to take control of this industry and provide the level playing field that so many of the franchisees, who came before us over the last few years, indicated was required.

I'll just leave this aside for a second because I'm going to need it in a few more minutes to highlight another point I'm going to make as I go forward.

The central recommendation to the working team was that we have legislation. However, a major player pulled out over this issue and this will become important later in my discussion or my presentation here this afternoon. And so begins to unravel a public relations exercise to put a good face on an industry rife with difficulties, because the major players, some of the bigger franchisors, could not agree that legislation was necessary. The pressure began to block or to slow down or to minimize, at the end of the day, what would be presented and what would be acceptable or accepted here in this Legislature.

It was at about this time that I was approached in my home town, the constituency I represent here in this place, Sault Ste Marie, by some of my constituents, a couple of very well respected, good corporate citizens in Sault Ste Marie, franchisees in two very successful Loeb grocery stores who found themselves one day under the gun by the new owner of the chain, Provigo, operated out of Montreal.

They decided at head office that they no longer wanted franchise stores. They wanted corporate stores in about, I'd say, 25 to 30 different locations across a stretch of territory in northern and eastern Ontario that went all the way from Sault Ste Marie over to Ottawa. My own constituents called for an appointment, we sat down, we talked, and they shared their situation with me. They brought me to a meeting of a larger group of franchisees in the Loeb grocery industry across all of Algoma, again people who had invested their life savings, who had gone to family members to entice them into buying into this dream they had that they would be able to build something that would employ a lot of people, including some of their family members, and ultimately, at the end of the day, be able to turn that over to their children by way of a legacy.

1540

These people I met with—I shopped in their stores—were good business people. They did good work and they contributed in a very positive and constructive and creative way to the overall life of my community. As a matter of fact, there was one gentleman in Sault Ste Marie, a Mr Cairns, who built up a store in Blind River to a point where it was very successful. He turned it over to his son and then moved to the bigger city of Sault Ste Marie and took over a store there and built it up. It was

an empty Safeway store that he took over, no longer operating. He took over that location and he built it into a going concern. The parking lot was always full. I shopped there. The aisles were always busy with people. Mr Cairns could be found at any of a number of charitable events in the community of a weekend with his wagon making hamburgers and hotdogs and selling all kinds of soft drinks, the proceeds of which went to the charity of the day. As a matter of fact, you had to get your name in early in the year to actually tie down that wagon and Mr Cairns.

This was the kind of person we were dealing with in Sault Ste Marie, who came to me distraught to a point of despair almost because there was nothing he could do in front of this unilateral decision that was made to take away his livelihood, to take away that which he had invested in, that which he thought was going to be his future that he could pass on, once again, to his children.

Do you know what, Mr Speaker? It happened to his son as well. The store that he had left in Blind River that his son continued to operate, that was doing well, they decided it was going to become a corporate store as well, no questions asked. It was just a matter of that's the way it was.

A Mr Williamson, the same story, the same kind of very good corporate citizen in Sault Ste Marie.

As a matter of fact, these people—and I find this really disturbing and strange in the world that we live in today. These people spent literally weeks sleeping in their stores so that Provigo wouldn't come in and change the locks when they came to work in the morning and throw them out.

I knew very clearly, because of my roots politically in the New Democratic Party, the struggle of workers with the corporate agenda. I had a feeling that small business was also more victim than winner in the economy that was evolving in Ontario and that I saw operating around me. I had no idea how pervasive and close to home and how callous it all was, absolutely no idea, until I met personally with these men and women, these families, and they told me their stories. I couldn't believe it until I saw it for myself.

I drove through the parking lot of Cairns' grocery store one night at about 2 o'clock in the morning. I saw the family inside looking out the window, getting set up for the night, and I looked in the parking lot and there was a vehicle with shaded windows sitting there, motor running. It sat there all night—

Mr John Gerretsen (Kingston and the Islands): Was Howie visiting?

Mr Martin: No, that was another time, John—intimidating these families into perhaps giving up what they had.

There was a real feeling of powerlessness, and that was when I first tabled the bill that I am still calling on the government to perhaps at some point in the not-too-distant future take hold of and make their own and make what's in it the order of the day in terms of legislation

and regulation where franchising is concerned in the province of Ontario.

It wasn't long after that that one Mary Carlucci came to see me; same story. Mary Carlucci is woman who worked her way up the ranks, got a job as a checkout clerk and stocking shelves, was a dynamo, worked hard, was bright, learned the industry, was given an opportunity to become a manager and then ultimately was given the opportunity to own her own store. She took over a store that was generating some business, but certainly not the million-dollar business that she built it up to over a period of some 10 years. I have to tell you the story was very similar with her. She was notified one day—and her parent company was National Grocers, Mr Weston. I was just reading in the paper the other day that he made a historically record-high profit. I wonder how Mary Carlucci feels about that. She's out of business. She no longer has a store. She's no longer able to do the business that she loves. I talked to her a couple of months ago and said: "How are you doing? What's it feel like to be out of the grocery business?" She said: "I miss it. I miss it like it was part of me, to walk into the store—the smell, the noise, the interaction." She loved doing the grocery business. She's no longer doing that. She's doing something else and she's quite successful at it. Given the effort that she made and the work that she did to build up that store, it doesn't surprise me.

But she got a phone call to say that there was going to be a marketing meeting at the local hotel just up the road. While she was gone at the supposed marketing meeting, the executives of National Grocers moved in and changed the locks, took over the cash registers and told any family members who were there to go home, and that Mary would explain to them later what had happened. Boom, she was gone. She came to me. She got some legal advice and began a campaign that at the end of the day meant that she got a little bit more than she was initially offered by way of a buyout package, but certainly nothing reflective of the investment that she made and the return on that investment that should have been expected, nothing that reflected the effort that she made to build up that store and make it a force to be reckoned with in Sault Ste Marie—nothing even close to reflecting the goodwill by way of the hockey teams that she sponsored and the other sporting things that she was involved in, in Sault Ste Marie. Not even close, just: "Thank you very much; it was nice. We'll see you later, and don't give me a hard time or else I'll see you in court." That's Mary Carlucci.

I just want to share with you a couple of quotes that were in the newspaper around the time of the Larry Cairns and Mary Carlucci difficulties in Sault Ste Marie. It said in the Sault Star in August 1996, "Larry Cairns and Mike Williamson are among 21 franchisees who launched a \$200-million lawsuit against Provigo Inc and its Loeb Inc division." Then in the Sault Star of August 4, 1996, it says, "June 28: Launch 21-franchise lawsuit ... Agreement terminated as of November 2." They were gone. They were out of the picture. Then it says in the

Sault Star of August 16, "The last 18 months Provigo has taken over the operation of 47 of the 111 Loeb franchise stores, replacing franchisees with corporate managers."

Across a strip of Ontario that ran all the way from Sault Ste Marie to Ottawa, some 47 families—because it's usually families who run grocery stores; they're normally family operations. Some of them have been around for a hundred years. We met some of them when we out on the road doing the hearings—a couple who came before us in the Ottawa area. They're now feeling the pinch from their particular owner at the moment, but back in 1995-96, some 47 Loeb grocery store operators, owned by Provigo, lost their stores and were replaced by corporate managers.

Mary Carlucci: On January 8, 1997, National Grocers entered Carlucci's office and changed the locks. This was in the newspaper in February 1999. Carlucci was seen as a crackerjack in the grocery business. Mary raised sales from \$9 million per year to \$22 million per year in the time she was in business, yet National Grocers felt it within their purview to take that away from her because she obviously wasn't doing well enough. She wasn't doing enough business for them.

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That's just part of the story that's out there, that's unfolding in Ontario today. Right now, as we speak, there are a number of grocery store operators—families who have run grocery stores across this province for some 100 years now—who are great duress, under great stress as they deal with their parent companies. The grocery store business has consolidated very much over the last short number of years to the point now where I think two major entities control 80% of the activity in Ontario. We'll talk in a few minutes about that as well, because this government has committed to moving with me and the Liberal caucus to making representation to the Competition Bureau of the federal government to see if we can get some action on that front.

The bottom line in all of these stories—and the stories that I will continue to share with you as I have time here this afternoon—is that these folks lost their stores. People across this province, some 5,000 of them per year—according to the working paper that the Ministry of Consumer and Commercial Relations put out not more than a year or a year and a half ago—some 5,000 franchisees, which often represent the livelihoods of families, are before the courts every year in this province. At the end of the day, most of those actions result in those people losing their investment.

If we're to believe Kevin Ryan, the senior vice-president of franchise operations for National Grocers, he says in his letter: "The committee has acknowledged that not all franchisees are the same. For example, in our industry, we are franchising stores that employ more than 200 people, with investments that range between \$5 million and \$7 million when one includes the cost of land, building, equipment and inventories." They range between \$5 million and \$7 million including building,

equipment and inventories. That's gone. That's investment these folks made on behalf of the system.

In this business, I'm told, the franchisor has all the power; the franchisee invests all the money. It's the franchisee's \$5 million to \$7 million that ultimately disappears in these circumstances. If you don't believe me, I suggest that you go and talk to Mr Cairns or Mr Williamson or Mary Carlucci, who is still in Sault Ste Marie. However, you may have some difficulty, because what's interesting in all of this is that when a deal is done between the franchisee and the franchisor—which ultimately happens because it's the only thing that franchisees are left with in trying to minimize the damage—usually there's a rider, a gag order, that comes with that. It says that these people can't talk to people, can't tell others about their circumstances and what happened and at the end of the day what they got.

You can go and talk to Mr Cairns or Mr Williamson and their families or Mary Carlucci. Off the record and informally, they'll probably tell you a lot of things. But publicly they can't tell you anything, which makes for some difficulty in terms of some of the disclosure legislation that's part of the Bill 33 package that we're being offered here today. However, it's still—and I say this reservedly—better than nothing at all, because we gained a few other things in this whole piece that made that true. Anyway, we'll set that aside for now.

I actually brought the Loeb people to Queen's Park. I had meetings with them. They met with members of government. They came to the gallery here. I asked questions of the minister. I asked when he was going to bring in legislation that would protect these folks. I brought Mary Carlucci down here and did the same thing, because I wanted this story to be told, and I wanted to expose the difficulties these people were facing and the injustice that was inherent in franchising in the province.

Not long after that, I brought Peter Thomas in here, another victim, another person who had, in all good will, taken the money he could scrape up, that he had worked hard to generate over a long period of time, probably went to family and others and took some money out of the bank, borrowed some money and invested it in an opportunity that he thought, if you followed all the rules and regulations, turnkey. The document he was presented by the franchisor said, "You can't miss." But, alas, he could, and Mr Thomas did. Unfortunately, today he's short his life savings and he's not well. I suggest that maybe some of that not being well might be connected to some of the anxiety and stress that came with the very difficult relationship he had with that franchisor. There has to be some moral and ethical responsibility there as well. I share with you, from the Report on Business magazine from December 1998, that in an 18-month stint, Mr Thomas lost some \$170,000 in investment.

It's interesting. We're debating a piece of legislation here that is primarily about disclosure and the right to associate. It's suggested that if Mr Thomas had simply looked harder at the document that he was presented with

by the franchisor, he may not have got himself into the deep water that he did. There are some who suggest here, rather callously and flippantly, that you can't legislate against stupidity. I suggest to you that that's patronizing and belittling of the very well-meaning, hard-working and intelligent people who get hoodwinked in this province today by salesmen with a dream to sell that in the end turns out to be pretty sour.

Mr Ned Levitt happens to be the CFA, Canadian Franchise Association, general counsel. He said in an article in a newspaper not so long ago, "A good salesperson can sell around a disclosure document." I believe that to be true.

Ultimately, after I had asked the minister one more time when he was going to bring legislation forward to protect the investment of people like Peter Thomas, I brought before the House Mr Les Stewart, somebody who was directed to me because word was out there now across the province that I had an interest in franchising and was working on trying to get some legislation in place and would take the time to listen and try to develop some strategy around their particular story, but build that into the bigger agenda here, which was to get what we're talking about here today, legislation in place in Ontario.

What to say about Les Stewart? Every story of a nature that is evolutionary and building on that which is common among us in terms of what we want for each other is always championed by a small number of people, and in many instances by one person. I have to tell you, it was the support, the encouragement, the candidness and the very hard work of Les Stewart, in many ways, that has us here today in this House discussing this legislation. I have nothing but thanks and good feelings regarding Mr Stewart where this is concerned, because he was a victim himself of a franchise operation that he looked at. Mr Stewart was an MBA from Western. He did the due diligence, bought the goods, thought that this looked like a good plan. He couldn't find any holes in it until he actually got down the road a little ways and began to realize that the projections that were in the document à la how much money he could expect to make weren't panning out and that he was going further and further in the hole as each year went by.

Mr Stewart, who was a Nutrilaw franchisee, lost some \$130,000 in his first two years, achieved less than 25% of the projected sales revenue. Trust me, Mr Stewart is no slouch. I don't know when Mr Stewart sleeps, I have to tell you, because I know that whenever I try to get hold of him, he's working, doing something, trying to do that which is required to put bread on the table and pay the rent and live a dignified life. But even with all that work and all that effort, he achieved less than 25% of projected sales revenue and watched 17 of 24 Ontario markets change ownership in that system in four and a half years.

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He went on to found the Canadian Alliance of Franchise Operators, an organization that has been helpful to me as I've worked to try and bring some understanding

and some commitment to this on the part of the government and others out there who might have an interest in this whole franchising industry.

His trial record was closely watched by the franchise industry and his story was written up in the *Toronto Star*.

It was after Mr Stewart came to me, and we talked about his particular story and we looked at what he would need in order to get some resolution to this difficulty, that I tabled my legislation for the second time in this place. Then, to give the government of the day some credit, they finally tabled some legislation. Minister Tsubouchi at that particular time put on the table a package similar to Bill 33. In my view, it wasn't good legislation, but nevertheless for the first time in 30 years in Ontario something was on the table that we could take a look at and perhaps build on and make something out of. It was a compromise arrived at by people from the working group, primarily franchisors or franchisor-friendly lawyers. The franchisees in the group were, for the most part, successful, continuing to operate systems out there and, of course, very much aware on which side of their bread the butter was located.

Some likened the compromise that was arrived at re the predecessor to Bill 33 as bringing drunk drivers together with Mothers Against Drunk Driving to draft legislation on drinking and driving. It was legislation that called for fuller disclosure of information before a franchise agreement is signed and basically the right to associate; that was it. I'm not saying that wasn't a good move, that it isn't something that will be helpful out there, but it's not, in my view and from talking to numerous franchisees, including the people I've just told you stories about and many, many others, enough at all.

This first offering disappeared before Christmas 1998 and then ultimately died when the election of 1999 was called. At that time it was an all-or-nothing offering. We were here; it was about 11 o'clock on the night we were to rise before Christmas. All of a sudden the House leader came back to me and said: "The government's willing to consider passing the franchise legislation. Are you in agreement?" I said: "Whoa, hang on here. I've got to talk to some people." In discussing this with some folks, we decided no, there just was not enough in this for us to agree to its going forward, and so at that time it was stopped.

Now, to give the present government credit, and particularly the current minister, Mr Runciman, the same bill was introduced in the 1999 fall sitting at the same time I tabled my bill, Bill 35, for the third time in this House. However, this time the feeling was different, in my view. The minister met with me and indicated a willingness to co-operate, and soon after that, just before the House rose, again at Christmas for the winter break, it was indicated that hearings would be possible. And in discussions with the subcommittee after Christmas, in January, it was agreed that we would travel the province for a week.

Now, that may not seem like much, but when you consider the record of this government where consul-

tation is concerned and travel by committees is concerned, this was a huge concession, a huge win. I have to give full credit to the Minister of Consumer and Commercial Relations for agreeing to that, because that gave us the wonderful opportunity to get out there and hear first-hand from franchisees.

I suspect the Canadian Franchise Association, and others who represent the franchisor side of this, suspected we wouldn't get any franchisees to come because they weren't quick off the mark to sign up to make presentations. It was only after it became obvious that we were filling the slots with franchisees and others who had an interest in this that they began to come forward, and in fact created a bit of havoc near the end because they weren't included. They were too late and didn't get on.

As a matter of fact, Mr Thomas didn't get on because there was some negotiation that went on behind the scenes that made sure there was some balance in the presenters who came before the committee at that time. Nevertheless, the fact that they were able to come and that they agreed to come—you have to understand the risk that many of these folks took in coming forward and telling their story—

Mr Rosario Marchese (Trinity-Spadina): Threatened, right?

Mr Martin: Yes, they're going public with a very difficult relationship. You can imagine having difficulty with, say, your partner or one of your kids, and all of a sudden going public with it. That's just, in some small way, to try and help people understand how difficult this might be.

However, in this instance, franchisees coming forward to put on the table some of their concerns and their grievances re the industry or the system they belong to presented some real risk to them of some retribution. We have story after story of retribution happening in many of these industries across—

Mr Marchese: They sign an agreement saying, "You can't go out and talk about this or that."

Mr Martin: Absolutely. You can't do that. You can't join an association. You can't talk about it. You can't do this, you can't do that.

I have to say that the minister's agreement to go out to hearings was a real plus and a very courageous move. It gave us the opportunity to hear from some very honest and courageous franchisees out there who played a big part in exposing, in a fuller way than ever before, the very real challenges that exist in franchising in Ontario today.

It gave us an opportunity to call on franchisees to come forward, and they did. They told their stories—an opportunity to expose the very problematic culture of franchising happening in Ontario. The press did a very good job of covering these events. We heard from experts in the field. We heard from franchisors. We heard from lawyers, and most importantly we heard from franchisees, and in that franchisee sector we heard from people who had been victims who are out there now trying to put their lives together, dealing with all kinds of

debt and strain and anxiety and, in some instances, sickness. We heard from some franchisees who are at this very moment experiencing some difficulty with their franchisor who came and shared with us the nature and the tone of that. We heard from people speaking on behalf of franchisees, which I thought was very important.

In listening to the stories of franchisees, it became obvious to all of us that this is a problem that pervades, in many interesting and different ways, the culture and the society we're trying to build here in Ontario, because it lends itself to participation by some people who are quite vulnerable: laid-off workers who are given a severance package, looking for someplace to invest it; franchising, a turnkey operation, looks good, looks like it can't miss. Alas, the literature I've looked at says that going into franchising is actually more risky than going into the traditional, start-up small business operation, something I don't think a lot of people out there knew or know and that we shared in a very real way as we went around during these hearings.

New immigrants coming to this country are often attracted to franchising because they can't speak the language, they don't know the business culture and it presents an easy turnkey operation. Many of them become indentured workers. All of these people are for all intents and purposes buying themselves a job. Then we have well-established families out there running operations like grocery stores who today are finding themselves under duress. As ownership of those systems change hands and the priorities become different, these folks find themselves up against a wall and facing the possibility of losing something that, in some instances, their grandfathers built many years ago.

1610

The spinoff to this whole piece, which could have been covered in a very effective, however perhaps short-term and incomplete way, is the issue of sourcing product or tied buying as identified in the Grange report. For example, in my community, we have a local dairy that provides a first-class product but can't get the product on to the shelves of some of the local big chain grocery stores. That limits the ability of the local franchisee to deal with a local producer in order to up their potential to make an extra few dollars of profit; it limits the local producer's opportunity to get his product out to the market so that the consumer can decide, using whatever vehicle they can, which and what they want to buy.

We had people come forward in Sault Ste Marie from North Bay, New Liskeard, the Soo, Algoma and for miles around to talk to us about the impact of this kind of tied buying, which was referenced first in the Grange report and included in the bill that I put on the table here at the place. It was killing local economy. Small producers had to go through hell and high water to ultimately and finally get their product graded and then back and on to the shelves, and by that time, according to one of the egg producers in the New Liskeard area, in many instances, it wasn't their eggs coming back, and the eggs that were coming back were rotten. So, this kind of tied buying is

not good for local producers and it's not good for local economies and I don't think it's good for franchising either, because it doesn't give franchisees that extra opportunity to make a few dollars that would keep their heads above water.

So what did Bill 35 call for? Among a lot of other things, in Bill 35 we called for the Ontario Securities Commission to act as a conduit and vetting mechanism for disclosure statements, because as it stands now, the question that needs to be asked is, if we're calling for disclosure, disclosure to whom? What's going to be in that document, and who's going to make sure that what's in that document is in fact the truth? That's the problem we have now. This doesn't go the distance that I thought was necessary, which was to have a vehicle—which, as a matter of fact, a presenter in Sault Ste Marie, Gerald Nori, referenced. He made the very strong recommendation, as well, that the Ontario Securities Commission be given the extra facility to do this.

In Bill 35, we also called for a dispute resolution mechanism, which we think is essential to protecting franchisees from not only losing their money when the franchise goes sour but then having to dig deeper into their pocket or borrow more money, or go into debt in other ways, to go to court to fight some of these battles.

We also called for further definition where fair dealing is concerned, further detailing of how renewal of agreements and termination of agreements happen and penalties for breach of any of these rules. Bill 35 would have given franchisees the right to source product where they could get it as long as it was not an issue of trademark. In other words, Bill 35 would regulate the relationship, something the government refused, and continues to refuse, to do.

As we went through the hearings, it became obvious from listening to the folks who came forward that the overwhelming sentiment was that the government move to regulating the relationship, that simply regulating a requirement for disclosure and giving franchisees the right to associate was not nearly enough, particularly for those already established franchise operations who were in some disagreement over one issue or another with the franchisor and needed some relief.

Just to give you an idea of what was told to us during the hearings, of the witnesses who came forward, one out of 50 people said that no law was needed; 13 out of the 50 people who presented said that Bill 33 was enough; eight out of those 50 people said Bill 33 with some enhancement; and 28 out of 50, a majority of the people who came before the committee, said that they recommended Bill 35 be adopted by the government and become the law of the land where this is concerned. That's overwhelming, in my view.

We also presented, during the hearings, two huge documents that the Canadian Alliance of Franchise Operators and Les Stewart put together that documented the stories of some 4,600-plus families in this province over the last five to seven years that have been damaged in franchise relationships that have gone sour.

So you have some 50 people coming before the committee, you have a majority of those people calling for Bill 35, and if you add the people who called for Bill 33 plus enhancements, we're talking 36 people out of 50. In my view, that's quite overwhelming. If you put that together with the stories that were in the documents that we presented and the stories that I brought before this House over the last five or six years—almost every six months I had another person in the gallery whom I asked the minister about and presented to the public in that way. You would think that the government would be willing to move to adopting Bill 35.

However, having said that, I am thankful, because the government did move. The government made some significant and important concessions and they will be helpful to the 40,000 franchisees across this province, and for that I am grateful to the minister and to his staff and to everybody else who worked with us over the last few months to get us to where we are today, where we have all-party agreement to move this piece of legislation quickly through this House today so that the 40,000 franchisees out there who are waiting for this will have to wait no longer.

The government agreed, just to put it on the record, to an amendment to the fair dealing clause to include "commercially reasonable" in the definition—that was suggested by a number of presenters at the hearings—and an agreement to include myself in the development of the regulations that will follow the passing of this legislation and a commitment in writing to some language under the disclosure clause to red-flag issues around the sourcing of products and a reference to the need for a statement on dispute resolution mechanisms available to both parties in an agreement. These references put these issues clearly on the table among a number of other important commitments to be dealt with by the parties to agreements and I think ultimately down the line to be dealt with again by the government.

There was also a very important agreement on a letter to be sent to the federal government on the issue of sourcing, which I believe I have here somewhere and in fact wanted to read into the record—here it is—that I think is very important as well, because the issue of sourcing and competition in franchising is of some real concern to a whole lot of people. I will read this:

"Dear Minister:

"Today the Ontario Legislature passed the Arthur Wishart Act (Franchise Disclosure). This act establishes standards for the disclosure of information by franchisors, ensures that franchisees have the right to associate, and requires fair dealing by both parties to a franchise agreement.

"During public hearings on this bill, the standing committee on legislation and private bills received submissions about restrictive product supply/sourcing practices that are common in many franchise systems. ...

"This issue was raised at the committee's hearing in Sault Ste Marie, and I want to acknowledge that Mr Tony Martin, the MPP for Sault Ste Marie has been actively

engaged in this issue for some time. Other members of the committee, including Mr Michael Brown, MPP for Algoma-Manitoulin, have also raised this issue with me and I share their concerns.

"I note the April 17, 2000 announcement that the federal government is consulting on possible changes to the Competition Act and I ask you to include the issue of restrictive product supply/sourcing practices relative to the franchise marketplace and to discuss improvements to the act within the context of the Competition Act review.

"While Ontario is moving to require disclosure to perspective franchise investors, the franchise marketplace operates within the context of federal competition law. Ontario supports changes to competition policy that foster growth and competitiveness within the small business sector, while ensuring that the franchise marketplace is in compliance with both the letter and spirit of competition law."

In closing, I'm also happy to tell you that the government has agreed to an amendment introduced by myself and unanimously supported by all of the members on the committee, including my colleague from Ottawa-Vanier and the members of the government side, Mr Gilchrist and Mr Gill among others. The short title of the bill would become the Arthur Wishart Franchise Disclosure Act, and that's in keeping with the effort that Mr Wishart made back in the late 1960s and early 1970s to get this issue on the table.

1620

Mrs Claudette Boyer (Ottawa-Vanier): C'est avec plaisir que j'apporte mes commentaires au projet de loi 33. I would like to share my time with the member for Kingston and the Islands, the member for Eglinton-Lawrence, the member for Glengarry-Prescott-Russell and the member for St Catharines.

The final consensus reached by the standing committee on regulations and private bills was that the franchising legislation should go forward with the provision that it is not nearly as extensive as we might have liked. The obligation of the franchisors to provide complete disclosure documents—that is, pre-sale information—and the right for the franchisees to associate are surely a first step in the right direction.

We really cannot deny the fact that legislation in this field is desperately needed. After hearing the testimonials of people who lost their life savings and went through many hardships, it became clear to other members of the committee and myself that something had to be done. Through these public hearings we were all made aware of the difficulties encountered by many who had been involved in franchises. The number of presentations that brought to light serious problems allows me to conclude that these were not isolated incidents. Constituents, franchisees and potential franchisees approached us with their concerns and they really wanted this bill to go ahead.

The franchisee is induced to rely on the trust that he or she places in the franchisor's sales associate. This bill now increases the obligation on the franchisor to disclose

pertinent information such as all material facts, all financial statements and copies of all agreements relating to the franchise. This bill also allows for an evaluation of the contents of the disclosure.

Je crois que le message clair et précis qu'apporte l'obligation de divulgation du franchiseur apportera sûrement au franchisé l'information nécessaire pour prendre une décision éclairée par rapport à son investissement. Ceci lui permettra d'acheter une franchise non pas avec son cœur mais avec sa tête. Let the franchisee now buy a franchise not with their heart, but with their head.

Les amendements adoptés à l'unanimité par le comité ont donné un peu plus de mordant à ce projet de loi. J'ai bien dit au début de ma présentation que ce projet de loi était un premier pas.

Although this bill brings us a step forward, I really believe we have to give it a little bit more teeth. The second step should be post-sale legislation that would really regulate the relationship between the franchisor and the franchisee once the franchise has been sold and an agreement has been signed.

What we need is a central registry in order to allow potential franchisees to cross-reference disclosure documents. That is a necessary step that must be undertaken in future legislation.

We need to clarify and define the meaning of "fair dealing." We need to establish the right of franchisees to acquire goods and services independently and locally under certain conditions. This bill needs to promote the local economy.

We also need to strike out the exemption for crown corporations. We need to establish a franchise registry. We need an alternative dispute resolution in order to alleviate the stress on an already overburdened legal system.

Yes, with a few changes this legislation can reach the objective of protecting consumers without affecting the professional and honest businesses.

This was my first experience going through public hearings as an MPP. When people would ask me, "Come on, listen, what did you learn from these public hearings?" I was tempted to answer: "Well, the answer is, do I really want to buy a franchise now? Would I really get enough protection? Would I get the protection needed?"

All these Liberal amendments, the needs that I think should be there, should be enacted in due time, most certainly in a second step of legislation. They are very necessary components of good franchising legislation. I do, however, recognize that franchising is important to the economy of this province. This is an important portion of the Ontario labour market. Unfortunately, I think this bill does not lay out any specific penalties for franchisors who fail to abide by the terms of this legislation. In light of all this and the great financial strains that franchise agreements impose on franchisees, let's hope that this will be looked into.

This is how I feel about this, and being on that committee and having said that there was unanimous consent, I will support this bill on the understanding, as I've said

before, that this is just a first step, that we have to go along with other amendments and review the bill. Of course the franchisees really wanted this bill to pass right now because of a lot of impending court settlements to be done. So this is a start. It's a start in the right direction. I think this bill is really better than nothing.

I would pass on now to the member for Kingston and the Islands.

1630

Mr John Gerretsen: Let me first of all say that it is nice to stand in the House on an occasion when, in effect, all three caucuses agree on a bill. Sometimes people get the impression that the people in the opposition always oppose everything a government brings forward. This is a perfect example where it does not if it's good and sound legislation.

I would like to pay tribute, though, to the member from Sault Ste Marie. We don't often pay tribute to members from other caucuses here, but I will do so because I know it was his persistence over the last number of years on this issue—at least since I've been here, since 1995—that something had to be done with respect to franchise agreements. It shows you that if you're persistent enough, you can effect a change if you have a government ministry that is willing to listen to those concerns and deal with them.

I'd also like to pay tribute to Mr Runciman for taking up the challenge that Mr Martin threw out, saying, "Yes, let's get together, let's come up with a bill that may not go as far as the franchisees may want to take legislation of this nature, but that's a step in the right direction."

We've already heard quite a bit about the disclosure requirement, and that's certainly needed. Over the last 20 or 25 years in my practice as a lawyer, I've probably dealt with about a dozen or so individuals in my community, usually people who had great dreams about getting involved with a franchise, usually sinking in their entire life savings, quite often mortgaging the house they had, trying to put every penny together to get a franchise. Unfortunately, quite often after a few years their dreams turn to disasters.

Mr Mike Colle (Eglinton-Lawrence): Nightmares.

Mr Gerretsen: Nightmares. There's no question in my mind at all that the franchisors hold all the power in the franchise agreements that are out there currently. That's why legislation is needed. At least this is a step in the right direction to somehow level the playing field a little bit between those people who want to get involved with a franchise and the franchise holders that certainly seem to hold all the cards.

It's interesting; I have an information sheet here. Just to give the people of Ontario some idea how many franchisors are out there in Ontario, there are over 500 of them, and there are 40,000 franchisees. Nowadays just about every small and large retail operation seems to be a franchise of some sort. You go to some malls and you literally don't see any local stores at all; it's all franchise.

Quite often these people pay a hefty price to get involved. Statistically the average investment is \$135,000

to get involved in one of these franchise operations. Of course they're based on royalty payments—monthly, quarterly, yearly—although usually at least monthly and quarterly—whereby the franchisor gets anywhere between, I suppose, 3% and 4%. I've seen as much as 10% of the gross sales. That's a significant amount in a lot of cases. It's not unlike a lot of the shopping centre leases that kind of work like franchise agreements. They're almost set up in the same way these days. If you want a store in a shopping centre, you basically pay your rent on how much you sell. The better the business, the better the franchisor, the better the landlord does.

It's been my experience that usually it was a "take it or leave it" situation. The proposed franchisee signed the agreement, and if you wanted to make even one meaningful change to the agreement, the franchisor usually wasn't interested in talking to that individual. It's a one-way street. Having this cooling-off period whereby financial disclosure has to be given and there are a certain number of days allowing the proposed franchisor to get out of it I think is a good idea.

As has already been stated, though, this bill basically deals with the initial agreement, with the rights of the parties as they enter into these agreements. It really doesn't deal at all with what happens if disputes arise with respect to the agreement while it's in operation.

It provides legal recourse in accordance with the laws of Ontario, because some of the franchise agreements out there right now, believe it or not, don't even provide for the laws of the province of Ontario to apply; it's wherever the franchisor originally started, which may be in one of the American states etc. But that's cleared up in this act as well.

The other thing that's kind of interesting is that the franchisees now have the right to form associations and to find out how other similar franchisees of that particular name store are doing elsewhere. I've seen franchise agreements where that was explicitly forbidden, where basically these individuals couldn't talk to similar operations elsewhere in the province, which when you think about it is almost like, I don't know, an edict against the freedom of speech concept we hold so dear in our democracy. It was included in some agreements.

Mr Colle: A gag order.

Mr Gerretsen: A gag order, as my colleague says. That's now specifically allowed, and if there's something in a franchise agreement that forbids that, that's overridden by the provision of this act—another good idea.

Unfortunately the bill fails in that it doesn't set out specific penalties for franchisors who fail to abide by the terms of the legislation. That's a failing in the bill. That should have been included in the bill. Hopefully, once we get to the second stage of actually coming up with a bill that deals with the continuing relationship between franchisor and franchisee after the initial agreement has been signed, we can remedy that in the next piece of legislation. We support this bill, but on the clear understanding that this is only a first step and not the last step towards franchise legislation.

There are a couple of other interesting provisions in the bill. One deals with the issue of—where is that again? I know it's right here. Well, I've spoken about the fact that there aren't specific penalties for a franchisor who fails to abide by the terms of the legislation. If I could urge the people of Ontario to do one thing, and not only the people of Ontario but people who are interested in getting involved with these franchises—I'm speaking from having personally dealt with a lot of these individuals over the last 10, 15, 20 years—it's that if you are interested in getting a franchise, go and talk to similar franchise holders in other communities.

Find out what their experience is. There are some excellent franchisors out there who want to do the right thing with the franchisees; there's no question about that. They are co-operative. They want to make sure that their franchisees are happy and successful, because the more successful they are, the more money the franchisor will make as well. But there are also some franchisors out there who don't seem to have that same kind of attitude. This may be rather difficult to believe, but as a lawyer I firmly believe that in a lot of these situations it's not so much what's in the legal agreements that counts, but that the way in which people, franchisors or franchisees, deal with one another in actual fact is a heck of a lot more relevant than what is actually in the written document.

I would suggest to anybody out there who's thinking of fulfilling their dream, of getting involved in running their own business, of getting involved with a franchise, that they talk to somebody who's already in that field, that they talk to one of the other franchise holders in those communities.

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One final little thing: I've seen many franchise agreements that do not include an automatic renewal clause for the franchisee and where in effect the franchisee at the end of a five- or a 10-year period is completely under the control of the franchisor as to whether or not that franchisee will still continue in that operation. That is something that I feel should be legislated into law.

If all the rules of the agreement have been adhered to, then there should almost be an automatic renewal at the behest of the franchisee. You could theoretically have situations where somebody has built up a tremendous business and after 10 years or whatever the term happens to be, the franchisor states, "I'm not interested in dealing with you any more; I'm going to deal with somebody else." The people in that particular case who have been the franchisees will lose a tremendous amount of money, their investment, their years of service etc.

We support this bill. I'm in favour of it, but I think it's only a first step.

Mr Colle: It's certainly very interesting to follow my esteemed colleague from Kingston and the Islands. He talked about his experience as a lawyer. I have to say that this legislation and the whole area of franchise legislation, or lack of it, is really in many ways a gold mine for lawyers. I know that he is not one of those lawyers who take advantage of these situations, but I would cer-

tainly tell people that this legislation doesn't preclude the fact that a lot of litigation could follow as a result of getting into a franchise agreement.

I want to commend the member for Sault Ste Marie for his diligence and commitment in trying to improve the lot of franchisees. I think you have done an outstanding thing in contributing your time and dedication to that.

I also want to give praise to Mr Les Stewart for his dedication to improving the plight of franchisees. He's been faxing and e-mailing me non-stop for the last two years or so on this issue. He's been very helpful and I think he's helped to bring forward this legislation which is needed.

As my two colleagues have said, my colleague from Ottawa-Vanier—which really should be Ottawa-Eastview. That's really where she comes from. I hope they go back to the older names. I could never understand why they call it that. I always call it Eastview. The former mayor of Eastview, Mr Grandmaitre, may he prosper and may he break 70 in his golf game.

Anyway, I'll get back to this legislation. I know that the indications we received from the franchisees were that they wanted to proceed with some kind of protection, and Bill 33 does give them more protection than they have now. That's why my party was more than willing to co-operate with you, Mr Speaker, and with Minister Runciman and the government members in terms of coming to an agreement that we get this bill passed quickly, because it does aid a lot of small business people who are either in the throes of some litigation or are in franchise situations. That's why our party has been very co-operative in ensuring this bill comes through speedy passage, because it is needed.

I think it's a good opportunity, though, as the member for Kingston and the Islands said, to encourage people who are considering purchasing a franchise to be on guard. You know the old Latin saying, "Caveat emptor." Be careful, buyer beware. It's very attractive and very lucrative to buy a brand name and that's how many franchisees are doing it. They're buying that brand name. But buying that brand name, whatever the company may be, is very expensive and there are many strings attached to being part of that brand. There's no instant financial reward in anything and there's no instant financial reward in owning a franchise. It's no different than starting up your own mom-and-pop coffee shop. You have to basically put in blood, sweat and tears and you have to put a lot of your money at risk. The franchise is not a guarantee of instant success, and there are many problems and challenges that go with owning a franchise.

As we've heard here, there are some very honourable franchisors who have a good track record, a good relationship with their franchisees, and that's commendable. But there are many out there who don't have a good track record in being fair to their franchisees. Again, the sorrowful part that we've seen and know of is that many people who buy franchises are people who have maybe gone into a buyout package at work, people who have put together a little nest egg. You know, Mr and Mrs Jones

are nearing retirement age. They put that money together and buy a little shop on Main Street and they sell Joe's Hamburgers, or whatever it is, under the franchise name. They go into it with their last life savings and they hope to live off that into their golden years, you might say. But many of these people are really disillusioned and they lose their life savings. Many have lost their life savings.

Before you go into this kind of venture, you have to use due diligence. This legislation will help in protecting you once you get into an agreement, but please don't assume this legislation protects you and gives you *carte blanche* to sign agreements with whoever is selling that franchise brand. And remember, there are enormous pressures out there to buy franchises. In the newspapers every day, on the Internet, there's all kinds of promotion of franchises. People who are contemplating that should perhaps contact Mr Les Stewart, Mr Tony Martin, Mr Runciman or Mr O'Toole from Oshawa, and say: "I'm thinking of this. What are the pitfalls?" Contact your MPP and go and visit local franchisees who have similar operations. Ask them what they've gone through and do your due diligence.

If you're going to make a lifetime investment here, spend a couple of months doing that kind of research and I think you'll go into it with open eyes, because it is very complex. There are a lot of strings attached. I know that there are a lot of nuances. For instance, many people don't know that the lease for a property you may have to operate Joe's Coffee Shop under the franchise name is signed by the franchisor. So the franchisor decides whether that lease will be renewed. Therefore, you may be doing very well in that business, but the franchisor may decide not to renew your lease. You could be out in the cold because the franchisor may decide the price of renewal is too much or not to their liking or perhaps the location is problematic. The franchisor still can dictate over whether you get a lease renewed or not.

The other major pitfall is, while you can open up your doughnut shop at a certain location, there's nothing in many agreements to preclude a similar doughnut shop by the same franchisor to be opened down the street from you. Now, there's fine print there which says they can open up down the street from you, but you have the right of first refusal. I know in some cases the franchisee has bought the second doughnut shop down the street to protect his assets, but then you cut into the income of the first franchisee you bought. Now you split it with the second. Then what happens if they open up a third one around the corner in the same town? Are you going to buy that third outlet? They can do that. So don't think that because you're doing very well and you've got your franchise going, that's there in perpetuity.

I've talked to some franchisees who have done very well financially and are very happy with the arrangement they have. They are out there. Do your investigation in terms of what the track record is, what the history of it is in your community, in your neighbourhood, before you go ahead into this venture. You can do well and perhaps

take care of your family and pay the bills, but it is not easy work. It is still a very risky venture.

A lot of these brand names are very much into promoting their profile rather than giving you a good deal. You may buy a very glossy brand name. Don't feel self-assured because you've bought this name that's got a lot of hype behind it. It's better to do your due diligence and get into an agreement with a company or a franchisor that's got a better track record. You may not have that glossy brand name, but you may have a lesser brand name and you'll be able to accomplish your goals as a small business person.

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There are a lot of warnings that have to go out there. As you know, this is a growing field, because wherever you go, whether it's in Hawkesbury, whether it's in Eastview, whether it's in Sault Ste Marie or whether it's in London, Ontario, what's happening on Main Street is we have the franchises taking over. The little individual entrepreneur operations are being shoved aside, and people are moving towards these franchises because they see them as being more successful, perhaps because of the advertising they do.

With this trend continuing, not only in Canada and Ontario but all over North America, I think there should be even more warning given to people who are contemplating this: Please consult your lawyer, consult your fellow business people, people who are already in franchises. Do all kinds of research so you can get a pretty good handle before you enter into this extremely challenging business venture. Don't underestimate how challenging and difficult this will be, even though you now have some good, added protection here with Bill 33.

As you know, a lot of the Bill 33 protection is pre-sale, which is fine. A lot of the problems happen post-sale. One of the areas I'm still not very satisfied with is the area of single-sourcing, that you still have to buy your product from Joe's Hamburgers, the franchise. You can't buy from other tomato farmers or butchers; you have to buy from their producers of that product so you can make your hamburgers in the franchise operation. You don't get to pick and choose and get competitive prices. The agreement states you have to buy those products from that source. Just be careful of that. If you can find some of your ingredients cheaper in town, you may not be able to buy them, even though it's better for your business, because the franchisor dictates you have to buy from them. That's how they make their money. Remember, the franchisors are in this to make money. They're not in it as a philanthropic exercise. They're not the Knights of Columbus; they're not the Kiwanis. They're big business that makes money by getting people to pay them big money. They're not, as I said, a Big Brothers operation. Be very cautious of that.

The other area I'm still not that satisfied with, and I hope somehow in the future we can deal with it in the regulations, is this whole area of dispute resolution. With due regard to my colleague from Kingston and the Islands who represents the legal profession—as you

know, most people in the legal profession are fine and excellent, but it just leaves too much room for post-sale litigation in terms of how you resolve disputes. That's why we put forward a dispute resolution tribunal, which we thought would be very good for this, but as you know, the government wasn't willing to go that far. They're willing to go a small step in that direction, which is good, but I really think we would save the people of Ontario millions of dollars in legal fees, we would save a lot of Ontarians the agony of going through litigation and confrontations with franchisors if we had a system—and I would recommend that maybe in your golden years way down the road, Mr Speaker, you would make a good franchise Ombudsman, or Mr Stewart. That would be something you could contribute.

Really, we're talking about thousands and thousands of families who need some kind of mechanism where they don't spend millions of dollars in legal fees but they have a way of resolving a dispute with their small business, which they're doing for all good purposes, to just try to make a living and pay bills. They're going in with good intentions, so I think they deserve some protection. As you know, a lot of these people are also new Canadians whom we find sometimes have language barriers. They come here to Ontario and they're gung-ho; it's the land of opportunity: "I'm going to be part of this big chain of Joe's Hamburgers." But it's not that easy.

Again, my parting words are to thank you for your work and the co-operation that the minister and the members on the other side showed in trying to make this as good as possible, but I really think we should continue to warn people to be very careful before they get into a franchise. Please do your due diligence and be careful.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): It is with pleasure that I rise today to debate Bill 33 and inform those who intend to buy a franchise.

Bill 33 is an act concerning fair dealings between franchisees and franchisors. The only thing I can say is that this legislation is about five years too late for many franchisees in Ontario. I remember in 1995 and 1996—Mr Speaker, I'm pretty sure you remember too, because we had to travel all over Ontario to protect those IGA-Loeb owners—when several franchisees in Ontario were having difficulty and turned to this government for help. This government was not willing to proceed with any legislation to help these franchisees. It appears that if it is not the Harris government that brings forth legislation, it is not good. It never sees the light of day; it never sees the light at the end of the tunnel. I think this is unfair to the people of Ontario.

In 1996, when the Loeb franchisees were experiencing great difficulties, I was trying to help the franchisees—Mr Milks and his family from Rockland in my riding, along with 21 other franchisees in eastern Ontario. I have the whole list here of the 21 franchisees: Arnprior, Bayridge, Blind River, Brady Street in Sudbury, Cochrane, Ottawa, North Bay, Sault Ste Marie, Kanata, Kirkland Lake, again Sault Ste Marie, Sudbury, Lincoln Heights in

Ottawa, Manotick and many others. This government didn't want to listen.

Meetings were held with the then Minister of Consumer and Commercial Relations, the member for Markham. Today he is the Solicitor General. But these discussions went nowhere. Also, a Franchise Sector Working Team was established by this government, made up mostly of franchisees. The report, of which I have a copy here, was presented to the minister and also to the Premier in August 1995. This wasn't enough to get this government to take any action at the time.

The Loeb franchisees were threatened day by day. I remember meeting with many of them in the Ottawa area. They were afraid to leave their stores. They had to put chains on their doors. I was there myself to look after the security of those people. I stayed at the Rockland store on several evenings with Mr Milks, our local franchisee, as they were afraid that the franchisor would come in at any moment and take over the store. The OPP were put on alert. These families were fearful of the franchisor.

Both a Liberal member, Bob Chiarelli, who is now the chair of the Ottawa-Carleton regional government and a candidate for the mayorship position of the new city of Ottawa, and also the NDP member for Sault Ste Marie, Tony Martin, who is right now the Speaker of the House, brought forward a bill in 1996 that this government chose to ignore. In fact, I have today a copy of a letter dated July 22, 1996, written by Mr Chiarelli, and another one written by the member for Lanark-Carleton, who was then the Minister of Consumer and Commercial Relations, that stated, "Unfortunately, due to other significant government priorities, my ministry was required to temporarily set aside discussion respecting our proposal for some form of franchise legislation." Unfortunately—
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Ms Frances Lankin (Beaches-East York): That was Mr Sterling.

Mr Lalonde: Yes, it was Mr Sterling who clarified that at the time. The letter was signed by himself, sent to Rolly Laberge, Loeb Fallingbrook, 1675 Tenth Line Road, Orleans, Ontario. He too lost his franchise because of this government's inaction.

This is five years later, and this government has now decided that this matter is important. How many franchisees like those in my riding have suffered losses because this government didn't have time for them?

I have a copy of another letter, written by the Premier of Ontario. The Premier also said at that time that they didn't have time really to look at this legislation. Those people were suffering, the whole family, the whole community, because those people who operate their own store, IGA-Loeb, were also involved in the community helping out Boy Scouts, hockey teams, majorettes, you name it. They were really involved in the community. That wasn't good enough for the Premier of Ontario. He decided to delay passing this legislation.

By the way, this one from the Premier again was very clear. It says, "I've noted your concern about unfair busi-

ness practices on the part of Loeb Inc and your support for the introduction of franchise legislation." He realized there was a concern, but he didn't do anything at that time. While franchisees were losing their businesses and life savings, the Premier was noting their concerns. I guess we can say thank goodness the Harris government finally has time for franchisees and also has noted their concerns, but I can tell you that many people in my riding, not only the franchisees, were affected by the inaction of this government. The local Loeb grocery store employees, all 125 of them, experienced a lengthy period of uncertainty, not knowing if they had a job from one day to the next. Even today, many people in the community feel they have lost a part of their identity. Mr Milks, like many others, was part of their community.

I would like to talk for a moment about another case in my riding, that of a Canadian Tire franchise. This franchise was owned by the Lamoureux family in Hawkesbury. This was a family business, operated by the Lamoureux family for over 25 years. When the father died, the son and daughter, who had worked there for many years, had no security whatsoever, and in fact had to look elsewhere for employment. The franchisor regulations prevented them from taking over. The Lamoureux family has opened up another store, Home Hardware, and today their business is just booming. It's just to show that the franchisor regulations at the moment did not stand at all even though we have to support them. This government was inactive in those regulations.

I must say I support this legislation but I would still like to see specific penalties for franchisors who fail to abide by the terms of the legislation. As you well know, the franchisors are in a much better position to proceed with litigation than the franchisee. Let's take the next step and pass this legislation as soon as possible.

I would like to inform those people who intend to buy a franchise that, first of all, they should contact a qualified lawyer who is fully aware of what a franchise is; otherwise, any lawyer could take their case. But you have to look over the fine print in the agreement before you sign a contract.

Mr James J. Bradley (St Catharines): I really enjoyed the previous speakers in the Liberal Party on this bill because they've addressed all aspects of the bill. I don't know if there's anything more I can address. I may have to diverge a bit to other areas and try to tie them into this legislation.

One of the franchisees I'm worried about, and I know the members opposite are, are the franchisees who sell gasoline. You would know that. These are the independents. I just happen to have a bill before the House—regardless of what anybody thinks of gas prices, I happen to have one for franchisees. Well, not quite franchisees, but these are the independents. The independent dealers have a situation where the big oil giants, the friends of Mike Harris, the oil barons in this province, get together and they sell their gas, or can sell the gas, to the independent dealers at a price different from their own dealers. Therefore, there's the potential of putting the

independents out of business. So you will see that for the last couple of days I've risen to ask unanimous consent to pass a bill which is essentially only one page long—in fact, yes, it is one page long—called An Act respecting the price of gasoline, Bill 16. It simply prevents predatory pricing practices, so what we're looking for is fair pricing there.

Some of my colleagues have other bills: the member from Essex north, Mr Crozier; Mr Colle, the member for Eglinton-Lawrence; Mr Bartolucci, the member for Sudbury.

I know some people are calling for decreasing the tax. The tax isn't what's going up; it's the profits of the oil companies as they gouge the people of this province. You would know, being a northerner, Mr Speaker, what it's like up there. The price of gasoline is atrocious. Now people in the south are feeling this. It went up in St Catharines the other day to 75 cents a litre.

I heard the Premier barking the other day—I'm not giving him any animal attributes; it's a term we use—about the problem. The Queen's Park press gallery went to him and said, "What do you think of this, Premier?" I think he hit the ball and it was still going last I saw it. Of course he's going to say: "Ain't it awful. What are the feds going to do?" What we have exposed, just as with the franchise act, which is provincial—all these bills could be provincial. The Premier has it within his power to do something about it. Now, if I were in the scrum—and there are many reporters who could do my job better than I do, no doubt. Once in a while I'd just like to be a reporter and I would have asked the question: "It's in your ball park now, Premier. What are you going to do about the gas prices?" Well, the only time he seems to meet with the oil barons, the captains of the oil industry, is at the Conservative fundraisers, not calling them on the carpet and saying this is unacceptable.

I remember Bill Davis—I think you're old enough now, Mr Speaker, being 37, to remember when Bill Davis, in August 1975, brought in an act which in effect froze the price of gasoline and home heating fuel because it was going up at an atrocious rate. In other words, he was controlling the price.

I was talking to an individual from Prince Edward Island who said: "We have a price in Prince Edward Island. We control the price of gasoline. We make it fair to all: fair to the consumers, fair to the companies, fair to the franchisees." They make it fair to everyone. So it's clearly within provincial jurisdiction, but all we get is passing the buck. Now, if there's credit to be gotten, the Premier will be first in line along with his ministers and a dark blue backdrop, but when it comes to accepting responsibility, these people take a hike.

The Premier is a lion when he's dealing with poor people in this province, putting the boots to the poor, but when it comes to sharpening his elbows to deal with the oil giants in this province, the Premier is gone; the Premier is missing in action.

I'm just saying it's in his jurisdiction to be able to deal with gas prices. So when I turned on my local radio

stations this morning, I could have screamed at them. Here's Mike Harris on there talking about, "Isn't it awful, the price of gasoline," and I'm saying, "Who asked the next question, which is, 'What are you going to do about it, Mike Harris?'" Mike Colle, the member for Eglinton-Lawrence, asked that today. You've asked questions in the House, Mr Speaker, about the price of gasoline, and it affects franchisees in this province as well.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): How?

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Mr Bradley: Because they're impacted by the rip-off of consumers by the major oil companies in this province. I intend to stand up for the independent dealers, for fair prices, not something that's just gouging. The last I saw, the price of world oil hadn't gone through the ceiling at the wellhead. So this is just the pre-long-weekend gouging of the people of this province, and I'm calling upon the Premier to do something about it. If he did, I'd be the first to get up in the House and applaud him for following the advice of the opposition to do so.

But I did listen to the Premier this afternoon with another franchisee of the government. Is Ontario Hydro a franchisee? I think it is.

Hon Mrs Johns: No, it's not.

Mr Bradley: It's not? It's comparable, though, isn't it? I listened to the Premier this afternoon. Dalton McGuinty asked a question about this bonus that Mr Osborne from what we used to call Ontario Hydro is getting: in excess of \$800 million if you make more profit. "Well, what better way to make the profit," they may think, "than selling those dirty coal-fired plants like Lakeview, like Lennox, around the province?"

Hon Mrs Johns: They're not franchises.

Mr Bradley: They're not franchises, but they're close to it.

Hon Mrs Johns: They're not.

Mr Bradley: I'm accepting the interpretation of the Speaker, who sees that I'm coming back to this bill, I want to tell you. He sees that.

This afternoon it sounded as though the Premier had made a commitment that the Lakeview generating station would not be sold unless the condition were placed on it of converting it to natural gas. I was happy. The NDP environment critic and I almost fell out of our chairs this afternoon, thinking, "Here's an announcement."

It wasn't even at the top of the CN Tower, with a backdrop and the compliant National Post—the national people, not the people here because they're not compliant, but the national people they fly in for these things. No headline in the National Post, that favourite of the government, no great song and dance, dog-and-pony show: I knew the Premier had slipped up. He had made a mistake in what he said.

I saw everybody scrambling. If the news media were here—they can't be because they're busy, so they can't be where they used to be all the time, watching from the press gallery—to watch the look on the face of the

Minister of Energy and the Minister of the Environment when the Premier said that, and both of them left. I don't know why it was. There may have been an accident somewhere, or they may have been scrambling for something else. I think they were scrambling, and out came this press release to back-fill for the Premier. I could hear the beeping sound. You know when the truck's backing up? I could hear the bugle of retreat being sounded. They ran down to the Ministry of the Environment. It wasn't even in the regular font. That's how you look when it's thrown together at the last minute. They scrambled with this press release and got it out and said, "Oh, we're going to have a moratorium till we decide what we're going to do."

They asked the Minister of the Environment out in the hallway, "Does this mean that you will not sell any coal-fired plant without a condition that it be converted to much cleaner natural gas?" He used every weasel word that all ministers, I'm told, have used over the years, regardless of which party. I'm told that. I can't remember ever using it myself. He used every weasel word there was to get out of it. I'm not saying he's a weasel; I'm saying he used weasel words to get out of it. He had all these various conditions and so on. In fact, it was a reversal. Within an hour, they trotted him out. Poor Dan Newman had to go outside and the Premier went down the secret corridor—you know where it is; it's just over there, where you don't have to go through the scrum. You simply go down this corridor through all the offices. What do you call that nowadays? I know what we used to call it; I can't say it. But I remember there's a corridor there where the Premier can go down.

Anyway, franchisees are very concerned.

Hon Mrs Johns: Did you use it?

Mr Bradley: I've never used it myself.

The franchisees are very concerned about this, and so they should be.

So that's what happened this afternoon. The government is in total turmoil. I thought the Minister of Energy was going to have a cardiac arrest when the Premier gave that answer.

When you're up in the press gallery looking down, you can see the ashen faces—except those who've gone to tanning studios—of members of the government. You can tell that I don't go to a tanning studio, because I don't look very healthy, I don't think.

The good piece of news this afternoon—you know how you always think the opposition's negative? We're not always negative. The good piece of news this afternoon was that the Minister of Finance listened to what I had to say and to what the member for Niagara Centre, Peter Kormos, had to say, and some municipalities and the cultural clubs in our communities. Do you remember I was up asking about—and so was Mr Kormos—the assessment change for the cultural clubs? Their assessment was going up 200% and 300%. The Armenian Community Centre, the Canadian Polish Society, the Ukrainian Black Sea Hall, Club Heidelberg, the Croatian National Centre, Club Roma, Slovak Hall and many

other halls were all confronted with the fact that they were going to have a huge increase in their assessment.

I want to give the Minister of Finance credit. May I give my friend Ernie Eves credit for this? I recommended that the government simply write another memo saying that they will revert to residential classification instead of commercial and that would solve the problem.

We had some local people, the two local members—and I'm not critical of my friends from the Niagara region. We all try to act on behalf of the people here. My good friends from Niagara Falls and Erie-Lincoln both said: "The local municipalities can solve this. They can give grants in lieu or the province will give up its portion of the education tax and so on"—a lot of red tape. I was going to phone Frank Sheehan and say, "Frank, we can't have this, too much red tape." I knew it could be solved with just a memo from the province, and municipalities didn't have to get into the jackpot of deciding who is going to get this consideration and who isn't, because that gives an excuse for people who dislike cultural clubs. There are some people—nobody in this House, I'm sure—in the province who dislike the idea of cultural clubs, special clubs of people from various backgrounds existing, and it would give them an excuse to attack those individuals.

I was happy to get a memorandum—it was in response to one of the petitions I presented in the House—and the minister indicated that the word has gone out that they shall revert back to residential. That's your piece of good news this afternoon. So don't think that all things that come from the opposition are bad news. I know the members don't.

I also was at a meeting last night of the Grantham High School reunion committee and I want to remind those in the province who haven't—

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Are they concerned about franchisees?

Mr Bradley: They are concerned about franchisees. Some of them are franchisees. I understand they have over 1,000 people, at least, who have registered. This is Friday and Saturday of this coming weekend. The problem is, the gas prices are going to be so high.

Hon Mr Baird: Is there a number for registration?

Mr Bradley: There is an e-mail address. Here's what it is: www.grantham2000.com. If you access that you get information, as the member for Etobicoke North wanted me to mention, on the Grantham reunion. He knows that I'm right into computers.

I may be prevailed upon to speak on the Friday evening to bring greetings, but I want to assure people, not to keep attendance down, that my remarks will be very short on that occasion. I'm going to introduce the former principal. That's the job they've given me. I said I would say everything I could in the House about it so that I wouldn't have to say anything at the reunion itself.

It's a great weekend, from 6 o'clock to 12 midnight. There're going to have it at Governor Simcoe Secondary School because the old school is not available. They're

going to have decade rooms and complimentary food platters available. Relax in the Grantham theatre and watch early videos of Grantham. They have something else there that the Liquor Licence Board does not allow us to mention. You have to be careful. As the member formerly for London North, now London North Centre, would tell me, you can't mention—I hope her relatives who are in St Catharines will show up, because they're certainly welcome. This is Friday night and Saturday of this weekend. If the minister is down, we'll welcome her. On Saturday, from 9 am to 12 pm, the gym will be open for fun and games; no gambling though, not gaming. From 12 o'clock to 2 o'clock is the family barbecue; you can bring the kids. At 2 o'clock there's a group photo. The nostalgia room is from 12 to 3. Saturday night at the Jack Gatecliff Arena and the Rex Stimers Arena—they're combined—there is a Saturday night party. All this for only \$30 when you register.

1720

Hon Mr Baird: A user fee?

Mr Bradley: We would like not to have a user fee, but in Mike Harris's Ontario, of course, we have to implement user fees because you can't use any of these facilities without them.

So I welcome all people to the Grantham reunion who are Grantham graduates or friends of Grantham.

Mr Steve Gilchrist (Scarborough East): I'm pleased to rise to join in the debate today on the bill. In fact, I'm particularly pleased because my background, before being elected, was in the franchising business, of course.

Mr Bradley: Canadian Tire, my favourite.

Mr Gilchrist: That was with Canadian Tire. I wouldn't have brought it up if not prompted by our colleague opposite from St Catharines.

The perspective I bring therefore is as someone who was very fortunate to have been part of a franchise system that took great pains to make sure they had full disclosure; took great pains to make sure that before anyone was selected to be a dealer they went through an extraordinarily rigorous training program, not just including various competency tests but active, hands-on training in large, medium and small Canadian Tire stores. There was not only a guarantee therefore that the prospective dealer had a complete awareness of the Canadian Tire system, but Canadian Tire had a very thorough awareness of the prospective dealer. It was only after a six-month training regime that Canadian Tire made its final decision. Along the way you had very detailed access to all of the pricing issues, all of the staffing issues, the relationship with the head office.

I guess what I took from the hearings we held earlier this year was the very stark contrast to many other companies. We heard particularly from representatives from the grocery industry that they had heard something very different in their training; that they had not had full access to information, they had not had the sort of detailed knowledge of the relationship and all of the ramifications, all of the pitfalls that might come forward

in the course of the relationship between the franchisee and the franchisor.

Mr Speaker, you of all people know that the roots of this bill go back almost 30 years, to the Grange report of 1971 commissioned by Mr Arthur Wishart, after whom we have named this bill.

All across Canada franchising accounts for \$90 billion in sales and Ontario is responsible for an extraordinary 60% of that, \$54 billion; 40% of all the retail dollars generated in this province are generated within a franchise system.

Unfortunately, existing legislation does not cover the franchise relationship. It really is quite extraordinary that we have taken this long to codify into law the sorts of standards, the expectations that all members in this House, and quite frankly all people in this province, would have reason to expect in a contractual relationship between an franchisee and a franchisor.

Alberta set the trend; so far they are the only province that has passed franchise legislation. I think it's quite appropriate that we're taking a lead. Hopefully the other provinces will take heed of what Alberta and now we are proposing to do, and will expand the coverage to protect their franchisees and franchisors equally.

We had a number of representations, not just from individual franchisees and franchisors, you will remember, Mr Speaker, but also from the Canadian Franchise Association. They admit member franchisors on the basis of rules very comparable to what we're proposing in Bill 33: rules that would force disclosure; rules that would provide for penalties if disclosures were inappropriate or inaccurate; and fair dealing. I'd like to think we've gone even beyond what the CFA has stated as their expectations of members in terms of our standing up for those three principles.

The legislation is also based on the work of the Franchise Sector Working Team, representing franchisees and franchisors from all across Ontario. We've heard from the member from Sault Ste Marie, before he moved over to take a different job in the chair today, that he has had a personal interest in this. How appropriate, given that Mr Wishart represented the same riding 30 years ago. I think this is an issue that crosses partisan boundaries. Quite frankly, we've taken great pains to make sure that this bill deals only with the framework around disclosure, the framework around fair dealing. It isn't appropriate for this Legislature to interfere in the actual contractual arrangements between a franchisor and a franchisee as long as there is full disclosure up front. If in fact there are penalty clauses, if in fact there are hazards if you transgress certain rules, then I think the franchisee has to be accountable for those indiscretions. On the other hand, if the franchisor does not provide that notice up front, that's a whole different ball game.

I know the member from Durham will be following up on my comments with other observations, but I just wanted to touch very briefly on the three core components of this bill.

First off, the disclosure issues: Franchisors will be required to meet a very high standard of disclosure. They're going to be required to disclose information on their backgrounds, including any litigation history and business background. They're going to be forced to disclose information in the franchise offer, including any terms of possible renewals or termination. In addition, they're going to be required to disclose all material facts; that is, any information about the business whatsoever that a franchisee would reasonably be expected to take into account before making their sometimes very significant investment.

Penalties: If a franchisor does not provide full disclosure, I think it's quite an extraordinary penalty that we've provided for in this bill: the right to rescission; an expectation that the franchisor will have to buy back the equipment, buy back the inventory and buy back the supplies if they have not dealt honourably, honestly and completely candidly with the franchisee. That is about as onerous a penalty as you could ever expect. And that's over and above any civil penalties that the franchisee would still be able to apply for through the courts.

At the heart of it, though, is the issue of fair dealing. How will that help franchisees? Quite simply, the government has been called on to ensure that we have a bill that guarantees there's an incentive for reasonable actions on both parties. Such a provision exists in the Alberta legislation, and we're making sure that guarantee is in our bill as well.

I think we were very heartened that while there were certainly those who took exception to some of the fairly minor details in the bill, we had very strong support. I think in fact the quote from Mr Cunningham, who is the president of the Canadian Franchise Association, speaks perhaps most eloquently:

"The CFA advocates Bill 33 for its commendable balancing of regulation without red tape. We feel the government goes just far enough towards allowing the franchisees access to the information they need to steer clear of unscrupulous sellers. As well, the bill is consistent with the high standards our association endorses in promoting fair dealing. The bill's protection of a franchisee's freedom to associate with organizations without interference from the franchisor has always been our position. Further, the time delays and higher costs incurred by excessive regulation are not problems encountered in the proposed legislation."

Before concluding, I'd just like to expand on one thing Mr Cunningham put in that comment. We heard far too often in those hearings that one of the single biggest problems franchisees faced was the inability to associate with their peers. In many cases, the franchise agreement expressly prohibited their sharing information, even in some cases sitting down and having a coffee with their colleagues running comparable franchises elsewhere in the province. We think that's wrong. Again I think back to my Canadian Tire background, where the Canadian Tire dealers formed a very strong organization. I wouldn't suggest they were as powerful as Canadian Tire

Corp, but they were certainly strong enough to withstand the inevitable pressures from the parent corporation, particularly in those lean years when margins were tightening up, to take a bigger piece of the pie.

1730

Thirty years ago, when you got a Canadian Tire dealership, it was literally a handshake and about a one-page franchise agreement. Now it's a thick legal tome that would take you hours to read through and digest. But along the way the Canadian Tire Dealers' Association has guaranteed that there has been a balance. They have access to the inner workings of Canadian Tire; the dealers have representation on all the appropriate boards, whether it's marketing or advertising.

We'd like to see those same powers, those same rights, accrue to all franchisees across this province. It is absolutely unacceptable to us that any two or more franchisees not have the ability to come together to share their concerns, to develop a common strategy, whether it's marketing or advertising or defence of a profit margin, and be able to take that concerted position against the franchisor. The franchisor continues to hold a preponderance of the power in the relationship simply by dint of the fact that they are the supplier. We think this is an appropriate balance, responsible franchisors are already doing it, and we think most of the others will willingly embrace this concept as being in the best interests of their franchise operation.

Again, I appreciate the opportunity to have said a few words on this bill. I was struck by the common concern from members from all three parties, the fact that the hearings were extraordinarily free of partisanship. I think due credit should be given to the person sitting in the Speaker's chair right now for recognizing that while we all might have wished to see other minor additions to this bill, it is an extraordinary, important first step forward. At least it gives us a framework on which we can reflect in the months and years to come.

If there are any shortcomings, I can assure you that members on this side of the House will be equally demanding of further changes. In the meantime, though, we've given those franchisees, in particular those we heard at the committee hearings and the ones who sent us written submissions, some reason to believe in the system again, that there has been progress, that we have moved forward, and that we're giving them the protections to guarantee that they can continue to have faith in the investment they've made in their business and in this province.

The Acting Speaker (Mr Tony Martin): Further debate?

Mr O'Toole: I'd like to thank the member from Scarborough East for relating his actual experience in the debate today, as he has all through the discussions on Bill 33.

I have a few formal remarks to make, remarks that are prepared, of course, but first I want to thank the member for Sault Ste Marie, who has obviously had a very important role in this. It's most appropriate that you're

now sitting in the chair to actually moderate the reasonableness of this debate.

The member for Ottawa-Vanier has been very facilitating as well, attending all of the public hearings throughout the province, and her comments here today reflected that tone as well.

The member from Kingston and the Islands was next to speak today, and with his legal training certainly had something to add to the debate.

The member from Eglinton-Lawrence, as the critic, is aware, as he has been in the House for some time, just how long it's been for government to try and bring forward something that's balanced and reasonable.

The member for Glengarry-Prescott-Russell certainly is a businessperson. Even as we speak, he's a businessperson, owning a hockey team or something. It's sort of an NHL franchise sort of thing—not quite that status. But he's very familiar with the issues.

The member for St Catharines, of course—we're all glad to hear that he's having a school reunion.

With all respect, the Honourable Bob Runciman, who's the Minister of Consumer and Commercial Relations and the member from Leeds-Grenville, sends his regrets because he is conducting ministerial business as we speak. When I spoke with him and the House leader in the House yesterday, he wanted to share his thanks with the House, and I'm doing that formally. Minister Runciman has been very inclusive in this whole process. I can assure you, as his parliamentary assistant, it's a pleasure to be empowered by someone who's able to allow everyone to participate in the process. I know he took great pains to meet with the member from Sault Ste Marie, and between the two of them basically brought this thing to a unanimous agreement. We found the balance at this point in history that works for the greatest number. That's democracy and I commend everyone for doing that.

Out of respect for the minister, I'll read his remarks. He said that this is in his own handwriting and it's very difficult for me to actually read it, but I will try.

He commends all members of the committee for the excellent work that's been done. It's an example of how the process can work for members on both sides of the House when they put partisan interests aside. That's very important for all of us to learn here. I recognize that the opposition has a different role than government—our role is different and your role is different. You're actually here to criticize us, basically, with the hope that we'll make amendments.

Some people suggest that opposition MPPs can't make a difference. Well, this legislation puts that to rest. I especially want to point out the impact that Tony Martin has had on this bill. Mr Martin is very conscientious and committed to good franchise law in Ontario and has worked hard with the government to get this on the table. Hopefully the example set by Mr Martin and others of the opposition parties will be heeded by the members and leaders and will bear witness that we can work together and provide good legislative framework in areas that

could quite easily be contentious. It is dealing with a balance of power, really, between the franchisor and the franchisee and I believe we've struck that balance, as delicate as that is. It's never perfect. We're dealing with human beings here.

I go right back to the minister, who allowed this transformation from sort of a very arcane relationship where the franchisee could basically get cleaned out in three years if they weren't practising due diligence. We've now got a disclosure piece that I think is a huge improvement, without being overly dominating in a market situation. You know that what's a success today because of marketing may not be a success in the future. It's up to both sides to keep the relationship open and fair.

Franchising is an important part of the Ontario economy—that's been said a few times—and it is estimated that franchising in Ontario accounts for \$45 billion to \$50 billion in business and sales annually, which is remarkable. So we say that small business creates jobs and tax cuts create jobs, but this all fits into that whole thing of providing a framework where people can create an enterprise and the entrepreneur's spirit that makes Ontario a great place to live and work and invest.

Franchising is a powerful engine for economic growth. As I said, it creates jobs. Moreover, many men and women in this province see a franchise as a way to reach their dreams of a better tomorrow. It is important that individual companies doing business here continue to see Ontario as a great place to do business. We need to see Ontario as a place that promotes, encourages and rewards effort. Therefore, I urge the members to support the Franchise Disclosure Act. The bill as amended by the standing committee is now called the Arthur Wishart Act. The member for Scarborough East and others went on to some extent, but that name honours the memory of Art Wishart, the MPP for Sault Ste Marie from 1963 to 1971, a member of the Order of Canada, the Attorney General of Ontario, and the Minister of Financial and Consumer Affairs.

Mr Wishart recognized the need for some reform for protection for people entering into the franchise marketplace some 30 years ago. As a result, there was the Grange Report on franchising, which Mr Wishart as Minister of Financial and Consumer Affairs in 1971 was really the genesis of. You as the succeeding member from Sault Ste Marie should take some pride and pleasure, and I might commend you for bringing his name to the bill despite the fact that he was a member of the Progressive Conservatives of the day.

1740

I'm pleased to be involved in the enactment of a bill that bears the name of Arthur Wishart and can be traced back to his work in this area, as I've just said. Mr Wishart is the predecessor of another Sault Ste Marie MPP who has devoted much of his time and effort. As I've said, Tony, Mr Martin, I appreciate that as well. I know just how committed you've been in an emotional and a material sense. Some of the material you brought I'll be carrying around for years. You and your support

staff were just bringing boxes everywhere and sharing with us the research that had been done. It takes that diligence to bring this to the forefront.

At the same time, there was a franchise working group that really did a lot of effort and preparation in getting this on the radar screen. I don't take any credit, but I think the government, some might say, has a pro-business agenda. I call it a pro-jobs agenda. It's that relationship of creating the opportunity for investments. I don't even mean this in an ideological way or a partisan way. The evidence is over 700,000 jobs. We all have to do more about that. It crosses the ideological boundaries for sure. This is an issue that's near and dear to all of our hearts.

I can say quite sincerely that this is a better piece of legislation thanks to the co-operative manner in which it was approached and the process of working with the ministry and members on the committee on all sides. The bill fulfils the commitment made in the throne speech to introduce and bring to law the franchise legislation.

This is the first Ontario government to introduce franchise legislation and to take responsibility for this rapidly changing business activity. The bill reflects the government's desire to find the right balance between the distinct needs of both parties. On the one hand, there is the need for marketplace fairness. Potential investors and franchisees need more information and transparency to make fair business decisions. On the other hand, there is an equally compelling need to avoid the necessity of cumbersome regulations.

To find this balance, the Ministry of Consumer and Commercial Relations and, I might say, the staff, Bonni and Mr Joe Hoffman and other individuals, worked together. These include the Franchise Sector Working Team, as I said, a small group of franchisees, franchisors and legal experts. A consulting document was developed and sent to some 300 organizations who were asked to comment. More than 95% responded.

The standing committee on regulations and private bills completed four days of public hearings in March in Toronto, Sault Ste Marie, Ottawa and London. We heard from franchisees, franchisors and other key stakeholders from across the province. As members would appreciate, franchisors and franchisees have very different needs. Achieving a consensus on proposed legislation was not an easy task. However, the Franchise Sector Working Team has achieved a consensus.

I would like to take just a few moments to acknowledge the work of the members of the Franchise Sector Working Team. This group of individuals representing both franchisees and franchisors has been diligently working behind the scenes for some five years to put together a piece of legislation that strikes a balance in terms of the interests of all the stakeholders. It is a tribute to the efforts of this group that they have been able to reach consensus and we've got the legislation, as amended, before us.

This is quite an achievement. On behalf of the minister, I would like to formally thank the members of the

working team. They include Richard Cunningham, who is in the members' gallery today—I'd like to thank you for the work you've done, Richard—president of the Canadian Franchise Association; Sam Hamam of One Hour Moto Photo; Nick Javor of Tim Hortons; John Lessif, a franchisee with McDonald's Restaurants of Canada; Ned Levitt with the law firm of Levitt Beber; Tony McCartney, a franchisee and representative of the Colour Your World Dealers Association; Kevin Ryan of National Grocers; and John Sotos with the law firm Sotos Karvanis. Finally, as I said before, Mr Joe Hoffman, director of policy for the Ministry of Consumer and Commercial Relations, as well as Bonni, his assistant or policy person. I might say Joe is the chair of the Franchise Sector Working Team.

We know that what is proposed in this bill may not go far enough to please everyone, but I am satisfied that the bill has gone as far as the balance permits at this point. This legislation would encourage a fair and open competitive marketplace. That's primarily what's here without over-regulating either party. It does deal with disclosure. It does deal with fair dealing. It does deal with the right to associate and encourage more opportunities for investment in this province and for individuals to live, work and invest in this province.

As I'm trying to leave time here to complete this bill, I'm going to skip most of it that's been prepared here. Usually there's a part here that says, "In conclusion," so I'll just draw that right now. In conclusion, I publicly want to thank all the members of the committee who participated: the Franchise Sector Working Team members; you, Mr Speaker, in your role as MPP for Sault Ste Marie; and others who contributed greatly to this bill. That will end my remarks, in the hope that this will be passed unanimously.

The Acting Speaker: Further debate?

Mr O'Toole has moved second reading of Bill 33. Is it the pleasure of the House that the motion carry? Carried.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Mr Speaker, I'm now asking for unanimous consent to move third reading of Bill 33.

The Acting Speaker: Is it agreed? Agreed.

FRANCHISE DISCLOSURE ACT, 1999

LOI DE 1999 SUR LA DIVULGATION RELATIVE AUX FRANCHISES

Mr O'Toole moved third reading of the following bill:

Bill 33, An Act to require fair dealings between parties to franchise agreements, to ensure that franchisees have the right to associate and to impose disclosure obligations on franchisors / *Projet de loi 33, Loi obligeant les parties aux contrats de franchise à agir équitablement, garantissant le droit d'association aux franchisés et imposant des obligations en matière de divulgation aux franchiseurs.*

The Acting Speaker (Mr Tony Martin): Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: This House is in such a benevolent mood this afternoon, so much co-operation on all sides, that I'm asking for unanimous consent to proceed with second and third reading of Bill 16, An Act respecting the price of gasoline.

The Acting Speaker: Do we have unanimous consent? No, we don't. Sorry, to the member from St Catharines.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: I seek unanimous consent to have second and third reading of Bill 52, the identical legislation that Premier Davis introduced in order to ensure that there was fairness in the industry for the consumers.

The Acting Speaker: Do we have unanimous consent? No, we don't have unanimous consent for the member from Sudbury.

It now being close to 6 of the clock, I declare this House adjourned until 6:45 of the clock this evening.

The House adjourned at 1748.

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LEGISLATIVE ASSEMBLY
OF ONTARIO



No. 60B

N° 60B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 17 May 2000

Mercredi 17 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 17 mai 2000

The House met at 1845.

ORDERS OF THE DAY

EDUCATION ACCOUNTABILITY ACT, 2000 LOI DE 2000 SUR LA RESPONSABILITÉ EN ÉDUCATION

Resuming the debate adjourned on May 16, 2000, on the motion for second reading of Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the member for Trinity-Spadina.

Mr David Caplan (Don Valley East): On a point of order, Mr Speaker: Not to take time away from the member from Trinity-Spadina, I'd like to know if we have a quorum present to listen to him.

The Deputy Speaker: Would you like me to check and see?

Mr Caplan: Yes. I've requested that you find out if we have a quorum.

The Deputy Speaker: Would you check and see if there's a quorum present, please.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Trinity-Spadina.

Mr Rosario Marchese (Trinity-Spadina): Thank you, Speaker. I appreciate the help because we want as many Tories in this place as we can.

Mr Caplan: You've got to make them listen to this.

Mr Marchese: They've got to listen to what we have to say to the extent that they can. It's a problem, but they've got to listen. Where are you guys going? Oh, quorum is going to be called again. Speaker, they're leaving. Quorum is going to be called again.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): Oh, say what you've got to say.

Interjections.

Mr Marchese: It's so nice to have the Attorney General here, the Attorney General who wants to say that we've got to keep a list of the decisions judges make in terms of the kinds of decisions they're making and whether or not they're not going to be tough on the—

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: We're all anxious to hear about the business before us. I believe it's Bill 74. We look forward to the member actually speaking to the issue that is before the House. I think it would be appropriate, Speaker, if you would direct the member to do so.

The Deputy Speaker: That is a point of order. I'll give the member an opportunity to bring his debate to—

Mr Marchese: I'm going to bring you all back, absolutely, and in short order too. I'm happy to have the member from Oak Ridges here too because it would have been very sad had he become the replacement for Mr Long. It's good to have you here, Mr Klees, from Oak Ridges. I tell you, better here than there.

You know what? Speaking of Mr Tom Long, did you notice the position he's taking these days? He wants to make sure that all teachers get tested across the land.

Hon Mr Flaherty: Oh, my God, what an idea.

Mr Marchese: It's education.

Hon Mr Flaherty: What an idea.

Mr Marchese: Isn't it a great idea, Attorney General?

Hon Mr Flaherty: What a startling idea.

Mr Marchese: Yes. The Attorney General says, "We've already done it." Mr Tom Long is just borrowing an idea and he wants to nationalize it. I'm going to get to that in a short while. There are a few things I want to say. First of all—

Interjections.

Mr Marchese: Speaker, there's some cross-firing going on here. Is that OK with you? Is that all right? OK.

First of all to the Attorney General, I've got to tell you—

Interjections.

The Deputy Speaker: Order.

The Chair recognizes the member for Trinity-Spadina.

Mr Marchese: To bring us back to this place and to Bill 74, the first point I want to make to the Attorney General is that my daughter, Vanessa Marchese, is going to become a teacher, and she wants me to tell him and Mike Harris, the former teacher, that she's not happy with you guys at all.

Interjections.

Mr Marchese: It may come as no surprise to you; I have no doubt about it. God bless her, she still wants to become a teacher in spite of you. But I needed to pass on her feelings, whether you like them or not. That was the first point.

The second point is, to those who are watching, welcome. This is Political Forum. We're on live at the moment, at 5 minutes to 7 on Wednesday night, and we're working—at least some of us are.

I have to tell you, Bill 74 is not about education; it's politics. This has nothing to do with improving the quality of education; this is all to do with politics. By the way, yesterday I made reference to making people feel good, and I don't know where my finger was pointing, but it points to the stomach, right? Just to be clear, because I don't know where the camera sometimes points. This party is here to make people feel good in the stomach; viscerally, in other words. If people out there feel this government is doing something that's good, then God bless, that's all that matters.

Does it lead to anything that will improve the educational system? For Tories, that's irrelevant, absolutely irrelevant. The title speaks to it. I have to tell the public, don't read any bill, just get hold of the title of the bill. That gives you a good sense not of the direction the title ought to be going but rather of the opposite direction.

Mr Peter Kormos (Niagara Centre): Who's really getting screwed.

Mr Marchese: The teachers.

So the real politics is polling. Harris has done polling, and the polling reveals that the public out there, a lot of taxpayers, 73% of whom are not parents, feel the teachers are overpaid and underworked. Probably, in the perception of the public, perpetrated by the great professional manipulators called the Conservative Party—but one wonders whether they're the real Alliance party; we think they are—and aided and assisted by them to make the public feel the real culprits out there are the teachers: lazy and incompetent, overpaid and underworked. That is the extent of the leadership of the Conservative Party, to make teachers victims of a certain politics out there that is shared by many people who probably only earn \$30,000 or \$40,000 or less. Those people out there think: "Geez, I work hard, but I don't think teachers work too hard. So if this government wants to go after them and victimize them, as they're doing, that's OK by me." That's the politics of what we have seen not just with the recent announcement they have made but with the whole historical attack on the educational system from the first day they got into politics.

Mr Kormos: "We need to create a crisis."

Mr Marchese: Ah, you remember Snobelen, the former Minister of Education. He said, "We need to create a crisis." That's why I made reference to Bismarck, who said the same thing and used to get re-elected as Chancellor in the 1880s by creating a crisis, which he masterminded as the professional politician he was and then solved. That's what Snobelen knew. But it's not about solving; it's about creating a crisis, a perceived crisis, a

crisis where there is none. These guys are masterful. They're professional manipulators—Snobelen first, followed by other ministers, but really the centre, which is Harris and a few people around him.

Mr Kormos: Unelected people.

Mr Marchese: Always unelected people who feel they have a lot to say.

Mr Kormos: A little cabal.

Mr Marchese: A cabal of friends who have the ideology and purpose and mastery to know how to deceive the public.

Mr Kormos: A sinister cabal.

Mr Marchese: We'll get to these words, because I need them as we go.

They decided initially to go after the boards of education. You'll recall they said: "Too many boards. We need to reduce the number, because they waste so much money. We'll save billions, probably enough to deal with the debt, or at least to deal with the deficit." So when the boards were decimated and reduced, rendering trustees unable to do their jobs, because not only are they now not earning enough to be there full-time or even half-time, but also because the decisions have been taken away from them—they went after the boards and the trustees. I have to tell you, and I'm saddened by it, that initially the teachers said: "That's OK. It's got nothing to do with us. It doesn't affect the schools. If you go after trustees and the boards, that's probably all right."

Then they went after what the Tories called bureaucracy. Bureaucracy is a mythical thing, but everybody is against bureaucracy, even though we don't have a clue what we're talking about. But the Tories know. The Tories know what bureaucracy meant, and they perpetrated on the public the sense of this monster called bureaucracy that was just sucking dollars away from education. So they said, "We're going to take money away from this bureaucracy so we can give it back to the teachers." Sadly the public fell for it, and I suspect a lot of teachers did too. They did.

I made mention of the fact that they went after trustees, and trustees have nothing to do with teachers. I suspect a lot of the public said: "Yeah, there's no politics in education. Get rid of the trustees." It's OK for the Tories to do politics with education, but it's not OK for trustees to do any politics with education. So we chop them off and get rid of them, but we still keep enough of their function to be able to use them.

Mr Kormos: But Harris increases his own bureaucracy in the Premier's office.

Mr Marchese: Are you kidding? The bureaucracy in Harris's government—all the ministers—has skyrocketed. When you mention it, they say: "No, we're not. Yours was bigger." OK, yours was bigger. Every time you mention you are spending less, they say: "No, you're not. You New Democrats spent more."

Mr Kormos: We couldn't afford to spend more.

Mr Marchese: Of course. There was a recession. We didn't have any money. But if you leave it to the Tories, they can spin anything. How else do you think Tories got

elected for 45 years, except and unless they were the professional manipulators they are? They're good. They're very good.

Mr Kormos: Slick.

Mr Marchese: Slick.

Mr Kormos: Conniving.

Mr Marchese: Conniving.

Mr Kormos: Devious.

Mr Marchese: Devious too?

Mr Kormos: Lying.

Mr Marchese: Oops. That's too far. The Speaker might hear it.

Then, of course, they went to Bill 160. And what did Bill 160 do? It took money, sucked away money, from the boards, the teachers and the classroom, all under the guise of making education better. They said they were creating a quality educational system. You know what? They were even clever enough to invent what was called "classroom" and "non-classroom." Only Tories could do that.

Mr Kormos: Square footage.

Mr Marchese: Square footage, yes, in terms of funding and all that stuff, which meant less money for the boards. But how is the public to understand this stuff? They don't. That's why these guys are good.

So they invent this definition: "Classroom" means teacher and student, and "non-classroom" is everything else. But "non-classroom," in their view, is something apart from teachers and students. Therefore, if we make the cuts, let's say to principals, that's OK. If we cut vice-principals, that must be OK, even though principals are leaders.

Mr Kormos: They're important parts of education.

Mr Marchese: Are you kidding? Principals are a critical part as leaders in that classroom and in that school. But they cut principals, they cut vice-principals, they cut secretaries. Would you say, Mr Kormos, my buddy here, that secretaries are not a critical part of that classroom and of that school?

Mr Kormos: They're part of the whole educational family.

Mr Marchese: An integral part. But to hear Tories: "That's non-classroom. They don't count." So can we chop secretaries? Yes, we can. What about heat and light? We need heat and light to run classrooms, but does that count? Not according to Tories, because that's non-classroom. So can we cut money from that budget? Yes, we can, because it's got nothing to do with teacher and student, and therefore, by definition, we can cut all we want.

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Mr Kormos: Well, that's stupid.

Mr Marchese: It's not only stupid; it's criminal.

What about maintenance—caretakers, custodial workers? They keep classrooms clean, don't they? But that's not part of the "classroom" definition. So does that mean we can cut? Yes, according to Tories they can. Do you know how many caretakers have been cut from the public and Catholic systems? In the hundreds. They're

talking about rats and mice in lockers and in all the schools now, because there are not enough caretakers to deal with that problem. But it must be OK to have rats and mice in the schools. At least kids will get to know mice and rats a little better and become a little more familiar with those critters. They're not human beings, of course, but they have a right to live and, good God, what's wrong with them roaming around in the schools and living in lockers? Attorney General, it must be OK, eh? But you don't have to worry about that. That's not your portfolio. But honest to God, fewer caretakers now means that schools are not being cleaned and more rats and more mice. I don't know; I think you've got to be stupid and deeply daft to come to those kinds of decisions. But that's what they did. They defined classroom and non-classroom funding.

What about adult education? Does that count? Do you mean child care as part of that continuum of education from the early years to elementary, high school and then continuing education and adult education so people can adapt better to this new society? I think that continuum is a critical part of education, but that falls under non-classroom funding. So can we cut in that area? Yes, we can, because that's got nothing to do with teachers and students. What about busing? Busing has nothing to do with education, because it's got nothing to do with teachers and students. So we can cut that budget, can't we? Sure we can.

I mentioned daycare, didn't I? Daycare is not really an essential part of schools. I mean, good God, why should schools run daycares? Should they be funded as part of the funding formula? Let's see: It doesn't fall under the definition of "classroom," does it? So we can cut there too. We kept the funding for the "classroom" definition funding, and so the Tories, through Madam Ecker and the Premier, can say, "We maintained and even increased funding for the classroom." But what about that non-classroom thing that doesn't connect to it? "Oh, my God. Really, we cut possibly \$1 billion or so from that? You've got to be kidding." Well, that's what they did. But to listen to Madam Ecker, she says to the opposition mockingly, and in particular to the Liberal critic: "No, we didn't. Liberal critic, where did you get those figures from? Our figures show we've increased funding. Surely you must be inventing yours." She said that.

Mr Kormos: You do a great Ecker.

Mr Marchese: I want to imitate to the extent I possibly can without offending—that's my point. We say there have been cuts, and she says: "No, there aren't. The opposition must be simply inventing these figures, because they like to be mythological." It is so tiring to be in this place. Poor teachers.

So they attacked boards of education by amalgamating. They attacked trustees. They attacked the school boards through Bill 160, where they centralized funding. Then they went after teachers. Where else? You've got to go after teachers now, right?

Mr Kormos: Easy pickings.

Mr Marchese: Easy pickings indeed. You find your victim, like they did with welfare, you'll recall. Welfare

was good. They said, "Our polling reveals that the public hates welfare recipients."

Mr Kormos: So what does this government do?

Mr Marchese: They attacked welfare recipients, and then they went on the hunt for another victim.

Mr Kormos: They cut them by 22%.

Mr Marchese: Cut by 22%. And now, mon ami, mon cher, they go to the teachers, because they're easy pickings and because they can be victims if polling reveals they can be victimized. Their polling shows they can go after teachers, and that is what they've done. So Harris centralized power to remove teachers. They have stigmatized them. They have cut school resources. By the way, don't listen to me. Go to the schools yourselves, some of you who are not parents, and ask the parents what is going on. If you would like to ask the teachers what is going on in the schools, they'll tell you. Resources have been diminished. Parents are fundraising in their schools to raise money for essential things like textbooks, like computers even. They're fundraising for essential stuff—unheard of before in a good economy. Imagine what would have happened in a bad economy. In a good economy, parents are fundraising now more than ever. Teachers are putting in money out of their own pockets to make ends meet in their classrooms. But to hear this government, my God, money is flowing to the schools like water from the mountain.

Whatever happened to that slogan the Tories have worked on, "lower taxes and smaller government"? I'll tell you what happened to it—and it works. Their ideology of lower taxes and smaller government inspires the Reformers out there. Every time they hear "lower taxes and smaller government," the Reformers out there say: "God bless. Rejoice. We've done it." What have lower taxes meant? Yes, provincial taxes are lower, but at what cost? A huge debt that has been increasing. They don't have the money to pay down the debt because it's been going to cut taxes to the big banker boys, their buddies.

Mr Kormos: It's over \$20 billion.

Mr Marchese: It's gone up \$20 billion because of the income tax cuts, \$5 billion, most of which has gone to the wealthy ones. They don't have money to reduce the debt. We've had, as a result of all of these lower taxes, higher municipal levies that people are paying and reduced services because the municipalities don't have the money they expected from this Conservative government in a good economy. What do we have? We have a deteriorating health system in which people are crying out for better services. In a good economy they expect more money and yet they get less. That's the result of the lower taxes.

Then there is "smaller government." Smaller government for whom? There is less government for businessmen and women. There is less government for the corporate sector. There is less government for the gun owners, by and large. But we have more government, centralized governments to go after the poor. We have more government and more administration and more paperwork for the municipal politicians. We have more

government for trustees, which I will get to in a short second. We have more government for teachers, more government for students, high schools and universities; more government for the poor squeegee kids who were trying to eke out a living just cleaning windows. We have more government for labour because we've got to control labour. I guess they're bad in some way or other. More government for judges. The Attorney General is about to support a motion by one of the backbenchers that says we've got to make sure the decisions judges make are reported so we know how tough they are on crime, one of the stupidest things any one of these members could have proposed, including the Attorney General, who supports it, and that is being attacked viciously by the legal profession generally and the general public for being a dumb idea.

I don't know, they go after any group that gets in the way of this government. Any time some group out there gets in the way of government, we have more government, not less government. But we have less government for business, not more. Everybody else gets the shaft, and what does business get? They get five billion bucks in tax cuts. I've got to tell you, in a good economy where the big businesses don't need them, they give away five billion bucks—of my money and the good citizens of Ontario, the good taxpayers. They give it away. They say, "We insist, you big corporations, that you take the taxpayers' money." Wacko political stuff.

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Then they say not only that they're going to give the \$1-billion boondoggle—I'll repeat, Speaker, for your benefit: the \$1-billion boondoggle, and I'll explain. It is that every individual taxpayer gets \$200 back. Why? Because the Attorney General and the others say: "Oh, but it's their money. They should. They're entitled to 200 bucks." The taxpayer of Ontario says, "If you're going to give me 200 bucks, I'd rather you pay down the debt." That's what their taxpayers are saying. Their taxpayers are calling this the \$1-billion boondoggle. They're giving away billions of my money and the taxpayers' money to the corporate sector that isn't even asking for it.

Mr Kormos: Their profits went up by 22% last year.

Mr Marchese: Profits went up 22% last year and yet these guys, these Tories, the new Alliance, is going to give billions of dollars away to the corporate sector. I guess they need it in a good economy.

You know what? They're so proud of Bill 74 that I hear tell their deputy leader might, through his graciousness, offer us a one-day hearing on it. So proud they are of this bill that through their magnanimity they might offer the opposition, the teachers and the parents one day of hearings, I hear tell. Can you believe it?

Interjections.

Mr Marchese: You remember, Shelley and Peter, New Democrats used to go out on the road four weeks at a time on every bill. Four weeks at a time because we thought we should be consulting with the public. What do these people do, this new Alliance party on the other side? They are so kind that they have decided on a num-

ber of bills to give one day. On the Parental Responsibility Act, their crown jewel, the Attorney General gives us two afternoons where we have to hear him for an hour and then we've got an hour left for someone to come and give us an opinion or other on something major that they're proud of.

There's no room for debate in this place. There's no room for consultation. We don't want to hear from the public because these guys are so right in what they're doing.

Mr Kormos: You don't really mean one day. You mean one afternoon.

Mr Marchese: I think I heard one day.

Mr Kormos: That means one afternoon.

Mr Marchese: Oh no, I think you're right, an afternoon meaning a couple of hours, and if we are so lucky, we might even get the Minister of Education to come and give us one hour of her time because we need to hear from her and then—

Mr Kormos: And she'll insist.

Mr Marchese: She might insist. Then we'll have one hour left for the general public to come and say yea or nay to it, I guess. You've got to love these people. They are professional manipulators.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Oh, come on.

Mr Marchese: They are.

Hon Mr Baird: Who wrote this?

Mr Marchese: I told you guys, you guys are so good. I already mentioned how good you guys are.

Let me go on to some other theme. Do you remember I just mentioned Tom Long?

Mr Kormos: Who's he?

Mr Marchese: They credit him with having Mike Harris win a couple of elections.

Mr Kormos: He's a backroom boy, isn't he?

Mr Marchese: I don't know that any one individual could take credit for that, but Tom Long evidently is a pretty powerful guy. Do you know what he's proposing these days? That we have national testing for teachers. He says, "If Mike Harris could have such popularity now with the general public, I, as the potential leader, am going to suggest that we test all teachers, not just in Ontario but across the land." Brilliant, eh? He's good. Tom Long is so good at this bullshit—I mean this kind of—

Interjections.

Mr Marchese: I stopped myself—

The Deputy Speaker: I didn't hear you withdraw that.

Mr Marchese: I was about to. I almost stopped myself.

The Deputy Speaker: I'm waiting for you to.

Mr Marchese: Thank you, Speaker.

Listen to me. I've got to tell you a story on this teacher-testing stuff. Prior to the election, the Tories announced that they were going to test every teacher. The point I want to make is that the effect of that statement had already been achieved; what they wanted to achieve

was already achieved a year ago. When they announced they were going to test teachers, they needn't have done any more. They don't even have to mention it, they don't even have to talk about it again, because the public believes you've already done it. You don't have to do anything any more. The minister is in the happy position of being able to say simultaneously—a difficult feat—"Yes, we are testing teachers" to those who agree, and, as she's said a few times, "No, we're not testing teachers" to those who disagree. Simultaneously she is able to do that. That takes skill. That's why I call them professional manipulators. It takes skill to be able to hold two positions at once. I can't do that and I've been around this place for a while. But imagine what these guys can do. Good God, they're almost semi-divine, with that kind of politics.

So there you go. When the critic, Mr Kennedy, said, "You're not testing any more," which is not an approach I would have taken, the minister replied, saying, "Oh, no, Mr Kennedy, you didn't read the bill," presumably to say, "We're not testing teachers." And to the electorate outside who say, "Right on, Minister; I hope you're testing teachers," she says, "Yes, right on; this is a hallmark of our bill." She's good; you've got to admit it. So there you go.

Interjections.

Mr Marchese: Well, sure it's exhausting.

Interjections.

Mr Marchese: Please, I've got so much to say. Speaker, please calm them down. Come on, help me out.

The Ontario College of Teachers, which has already certified courses the teachers should take to be able to upgrade their teaching skills—and by the way, 70% of teachers do take courses, but don't that interrupt the course of your political direction, right? So 70% of teachers already taking courses? Don't tell anybody. So the Ontario College of Teachers is doing that, and already they have the power to fire incompetent teachers in the event the boards don't do it, but please don't tell anybody that either. You wouldn't want them to know that such practices already exist, because what you've got to tell the public is: "We're fixing the problem. There's a crisis out there. Me, Mike Harris, I'm good, I'm a former teacher and I know what I'm doing. We've got to fix the system. There's a problem—gotta fix it." You're saying: "There are institutions dealing with this issue. Don't concern yourself with the little matters. I, Mike Harris, know what I'm doing and we're fixing the problem."

Madame Ecker, thank you for joining me. You guys are good, the women too; guys and women, you're good, the best I've ever seen.

Hon Janet Ecker (Minister of Education): I had to come in and listen to the show.

Mr Marchese: I enjoy having you here. It's my pleasure. It is.

Hon Mrs Ecker: It's my pleasure too.

Mr Marchese: No, no, it's mine, honestly—you and the Attorney General together, and Mr Snobelen. Ah, you're here. You remember, the one with, "We've got to invent a crisis"?

Interjections.

The Deputy Speaker: Order. I can't have these conversations going on. I would ask the person who's in debate to address his comments to the Chair, and I expect any of those others who feel they have something to yell out to get outside and say it.

Mr Marchese: Then there's the code of conduct. Don't tell the public, by the way, that we had a code of behaviour since 1994. Don't tell the public that, John, Minister of Community and Social Services, because they don't need to know that.

The Deputy Speaker: No, I'd like you to address those to me, please.

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Mr Marchese: Always to you, Speaker.

So here we are, code of conduct versus code of behaviour. The code of behaviour was a more—dare I say—comprehensive and intelligent piece. Don't you bother yourself with that minutiae, but the code of behaviour was more intelligent, more comprehensive. It dealt even—dare I say again—with suspensions. But you can't tell the public that. You cannot tell the public that because you Tories are coming up tomorrow with an announcement on the code of behaviour which you announced a couple of weeks ago, which you announced for the last couple of years, which you will announce again tomorrow. The code of conduct is going to fix the miscreants out there. They're going to fix the miscreants once and for all. How do we do that? It's called the code of conduct.

What is the bill going to do? Don't you bother yourselves with the details about what it's going to do. You let M^{me} Ecker worry about that because she's got the time and the resources and the professional manipulation to be able to deal with that very cleverly. Don't you worry your little heads about that. We've got the time and the resources to fix it. All we want you good public, good taxpayers, to know is, are we making you feel good viscerally here? Do you think we're doing the right thing? Please don't bother thinking about it, just right here, viscerally—am I focusing right into the camera?

Mr Kormos: In the gut.

Mr Marchese: In the gut.

Hon Mrs Ecker: Be careful. You might be censored.

Mr Marchese: I know. That's why I'm pointing up here. Right?

Hon Mrs Ecker: You're not Michael Jackson.

Mr Marchese: That's all they want to know. "Is the public feeling good with us, and if it is, don't you worry about the consequences, having to fix another bill like the Municipal Act," which we had to fix eight times because of the idiocy and incompetency of this government. Oh, a political announcement today: "Do we worry about whether the bill is good or bad, whether we've got the language in? Don't you worry about that because we Tories will fix it again. How do we fix it? We'll introduce another bill." Attorney General, you should go and take a break. You need a rest because your bill is going to come up soon, that's for sure.

Mr Kormos: His number is up.

Mr Marchese: Your number is coming too. We've got a number of people talking about how you deal with kids who bully in the schools, who misbehave and who are bad kids, right? One of the professionals, Dr Paul Steinhauer, said, "What those kids will probably need"—see you later, Attorney General. "What these kids need is a good relationship with a teacher to help them control their tempers and learn to function well and not just be kicked out."

Hon Mr Flaherty: See you later, Munchkin.

Mr Marchese: See you later. Good, Attorney General. You're doing a great job. I hope the lawyers love—

Mr Kormos: That's the pot calling the kettle black. Hey, what's going on here?

Mr Marchese: I'm worried about him because all the lawyers are going after him like a wet blanket. I've got to tell you, if I were he, I would be skulking away as best I could.

Mr Kormos: He just did.

Mr Marchese: He just did. OK, I've got much more to say.

Bill 74—

Hon Mrs Ecker: Oh, you're going to talk about the bill, finally.

Mr Marchese: Oh no, M^{me} Ecker is here to join me. Madame Ecker, there are a couple of points in here. One of them is—

Hon Mrs Ecker: I'm listening.

Mr Marchese: Yes. One of them is instructional time. What have we said here on this side? What are the politics of instructional time? The public, through the polling, believes they're underworked. How is this minister going to save a couple of bucks?

Hon Mrs Ecker: They think they work very hard.

Mr Marchese: Oh, yes. The minister says, "I think they work very hard," as she professionally canes them to death, right? She canes them at every turn and at the same time has that wonderful sincerity: "We love teachers. No, we think they do a marvellous job. They work so hard, but we cane them so viciously with these kinds of bills. On instructional time, they don't work hard enough, the public thinks. Well, we're going to get them to teach some more. We're going to get them to teach longer."

What if the teachers are exhausted day in and day out teaching so many students, including teaching yet another classroom, because this minister says we can save 2,000 teachers by getting them to teach more?

Hon Mrs Ecker: There are going to be more teachers.

Mr Marchese: Oh, there are going to be more teachers. The minister should have joined in before when I had so much more time to engage her in this discussion.

She fires them and then hires them and says, "Oh, by the way, we're hiring a couple of hundred more teachers to the profession," like in special ed. Do you remember special ed, where she fired—there were so many special-ed needs, \$140 million worth of special-ed needs in our boards, and the minister said: "We don't have such a

problem. We're delivering according to what the boards are telling us." Right? Then all of a sudden she made an announcement of \$40 million a couple of months ago.

I say to myself, how is that possible? She just said there was no problem and all of a sudden she announces \$40 million, and in the next budget, admitting over and over again in response to the critics that there's a problem, she says, "Oh, I've got another \$100 million." She denies it all along and then announces \$140 million. You take money out of the system and you put more money back in. Brilliant professional, political manipulators, aren't they?

On the volunteer stuff, 99% of teachers volunteer to do extracurricular. This person here says: "We're going to have to make it obligatory. Some teachers in my area in Durham are not doing extracurricular, so I'm unhappy with that. In order to fix the 1% problem, we've got to make the extracurricular activities mandatory."

Can you believe it, Speaker? Look at me. I don't believe it. I've got to tell you, these people are nuts. Do you think that all of a sudden teachers are going to volunteer to do work that now is mandatory? They're going to say: "Make me do it. Oh, I love to do football." Do you think that person is going to volunteer to do football again? "Make me do it." "Oh, we're going to fire you otherwise." The poor principals who have to enforce this kind of stuff are leaving by the thousands. So many are new. They don't have the resources or the wherewithal to deal with this kind of problem, and they are stuck with yet another crisis that Mr John Snobelen started a couple of years ago.

I tell you, the profession is tired. The profession is maltreated. The teachers are so discouraged about doing what they're doing that they don't quite know how to do their job like they used to be able to do it. I am worried for the profession.

The Deputy Speaker: The member's time has expired. Comments and questions?

Hon Mr Baird: I have to commend my friend from Toronto. He's really outdone himself tonight in this speech. Speaker, I don't know if you noticed that before he got up to speak, he had to move his chair beside him because he needed a stage. It's all a big act.

Mr Marchese: That's so unfair.

Hon Mr Baird: It really is.

The member opposite seemed to take a view of education policy of, "Don't worry, be happy." "Everything's fine," he says, "Don't worry. Don't change it. Everything is fine." He gets up and he speaks to the code of conduct: "No, it's fine. There's a code of behaviour. Everything's fine." When you see the parents out there who are worried about violence in our schools, when you talk to teachers who are concerned about intimidation from students, what does the member for Fort York say? "Everything's fine. Don't worry."

We hear him talk about teacher testing. Again, "Everything's fine. Don't worry." We hear him talk about teacher time, "Just leave it alone." Mr Status Quo. He talks about extracurricular activities and mentions our

colleague from Durham, the Minister of Education, and he says: "Well, it's 1% of people. It's only affecting 1% of students, so don't worry about it." He's like an insurance adjuster. He wants to write these students off. I'll tell you, the Minister of Education doesn't want to leave anyone behind. She's heard the voices and she's concerned, as she should be. In my board, teachers' unions went on work to rule three times in the course of one student's history. They didn't get any extra help, any extracurricular activities. If the member for Fort York had his way, "Don't worry, be happy." I don't agree.

I don't think the member opposite really has that many problems with this bill. I know that because it took him 57 minutes of his speech before he got to the bill, which suggests to me that perhaps it's not that bad, that perhaps he's quietly really not that concerned with the new direction and the changes in this bill.

Mrs Claudette Boyer (Ottawa-Vanier): I just want to say how true it is what the member from Trinity-Spadina said. Yes, this government is really trying again to create a crisis in education. Why? Pourquoi? Oui, j'y crois. J'étais là quand on a essayé de créer la dernière crise en éducation, et on n'en est pas sorti encore, et encore on nous arrive avec une loi matraque. Ce projet de loi donne l'autorité au direction d'école d'obliger les enseignantes et les enseignants à organiser des activités parascolaires.

The Minister of Education said in introducing her bill—her famous bill, I should say—that extracurricular activities will now be part of the teachers' job description and that these same teachers would face penalties up to—I don't know how much—and could even be fired for refusing after-hours work. It's incredible.

Dois-je vous rappeler encore une fois, madame la Ministre, que nos enseignants et nos enseignantes sont des professionnels? We really don't need legislation to force them into extracurricular activities. Voluntary work has always existed. They have always organized their time to go along with these activities, and always on the same voluntary basis and very willingly. Extracurricular activities are great for teachers. Let me tell you, don't force this on them. Pourquoi vouloir risquer encore une fois de provoquer d'inutiles confrontations?

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Ms Shelley Martel (Nickel Belt): I want to commend my colleague from Trinity-Spadina, because again this evening he was his usual witty, charming and engaging self, and he had so much to say that it's hard to make a two-minute response. So I'll only focus on the comments he made with respect to instruction time and the changes the government wants to now impose to make it clearer how long teachers have to teach.

Previously, the government had made some changes that would have forced teachers to teach seven out of eight, and a number of boards, to their credit, recognized that would have meant the loss of teachers and bigger classes, so, fewer teachers teaching bigger classes. A number of them came to an arrangement with a number of their teachers which would have allowed for remedial

time to be counted. You would think that would have been something the government would be happy about, that a teacher would be in the classroom, in a position to provide special additional help to a student or group of students. I think most parents would have appreciated that too. So the Thames board, the Rainy River board, the Toronto board, for example, looked at using that as instructional time: remedial time, a teacher in the classroom giving special assistance to students, one on one or to a small number. That was a good thing to do.

This government doesn't like that, so this government has now changed the legislation to make it clear that teachers have to teach—what?—6.67 eligible courses. This means, of course, any effort to have a period set aside to do remedial work is gone.

This is all about getting rid of teachers. It's interesting that the chair of the Rainbow District School Board in Sudbury said the same thing. This is from the Sudbury Star of May 16:

"Although the new legislation has been billed as a way to get teachers to spend more time in the classroom, board trustee Doreen Dewar said that is not its true intention.

"This legislation will mean that we will need fewer teachers," said Dewar, who confirmed that close to 50 teachers will be laid off because of the legislation. "The government hasn't been honest. They call it more time in the classroom, but it is really a big money-saving measure."

The Deputy Speaker: The Chair recognizes the member for Northumberland.

Mr Doug Galt (Northumberland): Thank you very much, Speaker, for the opportunity for a couple of minutes' response to the member for Trinity-Spadina. The member was certainly up to his usual performance. On entertainment, it was just absolutely excellent. On theatrics I give him an A+. On emotionalism I give him an A+. On body language I give him an A+. But unfortunately, on content he would get an F-, because there was really negligible content in that presentation. But from an entertainment point of view he was up to his usual standards; it was truly very entertaining.

He did make on occasion some reference to teacher testing and the code of conduct. I thought the member for Nepean-Carleton pointed out very well that everything's rosy, everything's wonderful, everything's just fine; don't worry, just truck along—the NDP approach. We did that for five years with them, and you can see what happened, how we deteriorated and how things slipped behind—not to mention the five years before that which weren't any better. So really it ended up as the 10 lost years.

What the member for Trinity-Spadina really doesn't understand is the importance, as teachers and unions were telling us, of the non-instructional time that is spent in the schools. They were stressing all this effort that was put in and how important it was. They really stressed that back at the time of the difficulties over Bill 160, which they disagreed with, but that's when they were telling us

about how important that is to the time the students have at school, that that is all part of their educational experience, and then we have the unions advising teachers not to do it. Teachers end up in tears wanting to do extra-curricular activities and are not being allowed to by the unions. That's really what's unfortunate. We have teachers in some boards who can and some who can't.

The Deputy Speaker: The member's time has expired. The member for Trinity-Spadina has two minutes to respond.

Mr Marchese: Bill 74 devastates the education system. On instructional time, it forces teachers to teach more, which means 2,000 fewer teachers. With those savings, this minister is going to announce more teachers in the classroom.

On volunteer work, it's now mandatory. People used to do it because of their passion and love and now these professional political manipulators are saying they've got to do it whether they like it or not. It's going to kill it.

On compliance, it now forces boards to enforce compliance on curriculum, co-instructional activities, class size, instructional time, violations of the funding formula envelopes, and the list goes on and on.

I've got to tell you, I think we have wonderfully dedicated and intelligent teachers who go beyond the call of duty struggling with the new curriculum for which they get very little assistance, photocopy lessons for kids who don't have textbooks, fundraising along with parents and school councils for money they don't get any more, trying to maintain the quality of education in the face of your relentless cuts.

You're destroying the education system. Your constant cuts remove any hope of providing quality education. On a daily basis we hear of dirty classrooms, schools with fewer maintenance workers and secretaries, schools sharing principals, special education students being sent home, principals being shared between schools, long bus rides on dangerous winter roads, a school system threatened once again with instability, and on and on. It's so sickening.

This government leads by stealth. They don't have the courage to do what the Nova Scotia government did: They fired 870 teachers. At least they had the guts to say, "You're gone," and to give the public an opportunity to respond. These people do it by stealth, clandestinely. That's the way they do politics in this province. All I can hope for is that parents and non-parents alike and teachers will fight back against the devastation that has been caused to them as students, teachers and parents and as—

The Deputy Speaker: The member's time has expired. Further debate?

Mr Galt: I will be sharing my 20 minutes with the member for London-Fanshawe. I certainly appreciate the opportunity to address Bill 74, the Education Accountability Act. This is really a bill about overhauling the education system, and about improving the quality of education and ensuring there is consistency in the level of education that's delivered across Ontario. Unfortunately, for the last 10 years, because of the system and because

of the unions, the quality of education has deteriorated tremendously in this province and that's unfortunate.

Certainly we did not shy away from correcting those problems and bringing education up to the quality standard that we believe our students in the province of Ontario should have. Students are number one and should be put forward as the most important resource we have.

This is about consistency and quality of education and improving that quality of education. We're not, as a government, about to sit back on our laurels and just let it ride along, as maybe the boards or the member for Trinity-Spadina are happy with.

We're really about improving the quality of education here in Ontario. To get there we have been consulting extensively with parents. We've gone for, I'd suggest, maybe close to 30 years without truly consulting with parents. It's been, "Oh, yes, the unions know best," and, "Oh, yes, the boards of education know what's right for our young people." When I was on a school board back in the late 1970s for two terms, at that time the parents were pleading for the quality of education they expected. It wasn't happening, and there was just no response. The system was not responsive to their concerns.

What they were saying was that the education system needed some direction. Sooner or later, whether the education system likes it or not, the parents will be heard and will be responded to. Unfortunately, with what's been going on for some time, parents have not had that opportunity to truly be heard. Now they certainly are.

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I think it's a good step to look at the co-instructional activities that go on in the schools. Yes, they are very important. There's more to education than just sitting in academic classrooms. That of course is very important but there are other aspects of education, and as I mentioned in a two-minute response a few minutes ago, this was stressed to us by the unions and by teachers just a couple of years ago. Then, lo and behold, now we have unions that are advising teachers not to do it in some of the boards, and it's just not right when we have that kind of thing going on. It's just not right that unions should be advising teachers not to help our young people.

This bill will require that boards meet certain standards that we set some two years ago. Unfortunately, they have been able to find some loopholes that were not the intent of the bill. One of them was to ensure that in the secondary panel teachers would teach, would have instructional time for at least four hours and 10 minutes per day or 1,250 minutes per week. This bill will ensure that the boards will meet the legal and the educational and also the financial responsibilities that are expected of them by their provincial government. It will also give the minister some extra powers, so that if the students are not being put first and if quality education is not being delivered out there, the minister will have some ability to step in and ensure that happens. I believe that is truly the right direction to be going in.

There's been a lot of concern about teacher testing. I was recently on a radio phone-in show, CJBQ in

Belleville, last Friday. I thought it was rather interesting that out of the 16 callers who called in at least half of them congratulated our government on the direction we were going in. You might almost think I'd set these calls up, but I hadn't. Then the ones who were concerned were very mild in expressing their concerns. I thought it was interesting, the number of retired teachers who phoned in and agreed with the direction we're going in in education. I suppose we didn't get many active teachers calling in because the program was during the regular school day.

Teacher testing will ensure the highest-quality education in Canada, North America and maybe even internationally. If we don't have our young people ready to compete worldwide, Ontario just isn't going to be able to compete; they have to have that quality of education. As a parent, I think we all know the effect a teacher can have on our young people. We reflect back on our experiences when we went to school, the effect a teacher can have. There's nothing like an excellent teacher in a classroom. A very large percentage of our teachers are excellent, contributing tremendously to our young people in Ontario.

We're also concerned about the kind of training and upgrading. Large numbers of teachers do get this training and upgrading, but it isn't as consistent, as effective and as rigorous as it might be for all the teachers. This will ensure that all teachers are being upgraded and are consistent in their ability to teach.

In developing this, we've also worked co-operatively with the College of Teachers, with parents, teachers and students, to develop this testing program. It is arriving at an appropriate balance. There are three very important components here. One is that teachers must be recertified at least every five years. I think of MPPs: We have to be recertified, usually every four years but certainly within a five-year period; if there's a minority government, it may come even more often than that. Many other organizations similarly have this responsibility to go through some written tests and complete some assignments.

Also, to write qualifying tests once they graduate from university—that's not that different from what lawyers have to do, what accountants have to do, what many other professions, including my own, have to go through. That assures us, as the public, that there is quality there, whether they step into the courtroom as a lawyer, whether they're doing your income tax as an accountant, or in the case of a teacher, when you leave your young people off at school you know that those teachers understand the curriculum and have the teaching skills and teaching methods that are necessary.

The bill also incorporates standards on which principals and school boards will evaluate teachers, that they are effective and consistent. I see these as very important aspects of this bill.

The government is very dedicated to the improvement of education, to ensuring that there be quality education. That's part of the reason we brought in standardized testing. Remember the protests at the time we brought it in, particularly from the teachers' unions. I hear teachers

regularly comment how important those standardized tests are and what they've really accomplished for education. Again we heard a lot of protests about standardized curriculum. I hear from teachers, "It's one of the best things that ever happened to education in Ontario."

Then we brought in the funding formula to ensure that palaces are not developed for board headquarters. This happened in my board. It's a funding formula to ensure that it's student-focused and that the money flows into the classroom. Then, of course, to even it out and make sure it's equitable, there are other grants for special education, transportation, English as a second language, and on the list goes. At least there's a consistent amount for teaching and the classroom.

More recently we've added \$190 million. That was announced back in March. Several other dollars were added more recently in the budget, with the budget for education moving to \$13.4 billion this year. In my area, the separate board was up 7.7% last year, with enrolment up only 2.2%, and then for the coming year it was up 4.9%, with enrolment up 2.2%. The board I have a little bit of in the Quinte West area is going up next year by 2.4% and enrolment is dropping by 1.1%. That's certainly indicative of the support this government has for education. I, for one, enthusiastically support Bill 74, the Education Accountability Act.

I now turn my time over to the member from London-Fanshawe.

Mr Frank Mazzilli (London-Fanshawe): It's my pleasure to speak on Bill 74, the Education Accountability Act. Just before I start it's important to acknowledge that as a government we're accountable to taxpayers and that we're accountable to the parents of the children who attend our schools across the province, to make sure these kids have a proper education at the end of their learning years. One thing that it is also important to recognize is that the teachers' union bosses, in fairness to them, are not accountable to those parents and they're not accountable to the children; they're accountable only to the people who pay their union dues. Their role is to work on labour issues. It's not to improve education. It's not to make sure that class sizes go down. It's to ensure that teachers teach less time and have more time off. That's what they're paid to do. Our job is not to do that.

I want to go back to budget 2000. Let's look at the clear intent of the Education Accountability Act. It's to make education a quality thing in Ontario. That is the intent of the act. If you go to budget 2000 and you go to our component on investing in children and youth, we're launching a \$30-million early years challenge fund. There is \$70 million annually to improve the reading skills of students from junior kindergarten to grade 3. Who could oppose that? There is \$101 million annually to reduce average class sizes in junior kindergarten to grade 3. Again, who could oppose that?

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The increase in special education funding will be \$140 million for the next school year: \$4 million to train and to

assess, test and identify young francophone students with learning disabilities; extended funding for medical requirements for special-needs students to include students in denominational schools. Again, some of the denominational schools in the past have been shut out from very important services, such as speech pathology and audiology, that regularly are available through the Ministry of Health at all of our publicly funded schools but was not available in those schools. Certainly I've received many calls praising our government for extending those very important services to denominational schools.

There's an increase in child care support benefits of up to \$210 per year for each child under seven in low-income, single-parent families as part of a \$100-million challenge fund to the federal government. Again, we continually hear from that side of the House that somehow tax cuts benefit the high end. All of the tax cuts this government has come up with benefit the vast majority of low- and middle-income families.

From the other side we continually hear how things are so bad in the province of Ontario. Well, I can remember when they were so bad. In 1995, when this government took over, things were very bad, not only in one system or another, but you had a province that was on the verge of bankruptcy—an almost \$12-billion deficit. Everyone had lost total faith in not only the province being able to deliver education but also health care and all of the other important services that we should provide as a government. None of this was being done.

What had to be done? There had to be a drastic change in plans, because obviously for 10 years taxes had continually gone up. What was the end result? Services decreased.

Taxes were cut enormously in Ontario, and that has created 703,000 new jobs to date, and 500,000 people have left the welfare rolls.

Let me just say for people who have left the welfare rolls, these people had not gone on welfare through any fault of their own. They had gone on welfare because two governments had increased taxes to the point where they drove all industry away so that people, through no fault of their own, had no hope in this province. Well, that has certainly changed today, and people who had never intended to collect welfare, ever, have been allowed the opportunity to get a job, which should not be an opportunity, it should be a right in a prosperous province like ours.

I want to focus a little bit on the federal government, because certainly Ontario has not been receiving its fair share on many fronts. If you start with health care, with our growing and aging population, the budget for health care is going up over \$22 billion. The federal Liberals contribute about 10% of that—10% from a government that continually takes tax dollars out of Ontario. Ontario citizens certainly are being treated, I would say, as second-class citizens.

But that's not the only area. If you look at things like infrastructure and the gas taxes that are being collected off the roads in Ontario—and continually we hear mem-

bers from the Liberals complaining about conditions on the 401. Let me tell you, they barely spent \$500 million when they were in government on road infrastructure; today we're spending \$1 billion. Is that enough? Likely not. In the state of Texas, they spend \$3 billion a year, but that's because their federal government redirects 98% of the federal gas tax back to the state. Do you know what we get in Ontario? Not even 20%. Yet continually we hear Liberals say: "Why don't you do something about the 401? Why don't you make it six lanes? Why don't you make it eight lanes? Why don't you put ramps here and there?" Well, we will, if the federal government will ever give us back some of these gas taxes that they completely suck out of Ontario. What do they do with them? They don't spend those gas taxes on health care, not in the province of Ontario.

I'll tell you what they do with it—\$3 billion in HRDC grants, and where do they spend that? Not in Alberta and not anywhere else. Most of it is spent in the Prime Minister's riding.

Again, I certainly think things on the federal front are changing. The Canadian Alliance has taken a rather interesting approach on the leadership.

Interjections.

Mr Mazzilli: The members across are yelling "Tom Long."

Tom Long is a person of integrity and vision, and is probably worth considering in leadership. He's definitely worth considering. I feel he will come up with a plan that restores integrity to government, not what the federal Liberals have done. Where are the priorities of the federal Liberals? There are none. We need priorities back in the federal government. Those priorities should be health care, they should be education and they should be infrastructure.

Finally, I want to talk about the Young Offenders Act. Continually, people in my riding and many other ridings call and talk about the Young Offenders Act. The Young Offenders Act in its present form was likely well-intended for a young person who committed, let's say, a minor crime and probably was treated in a fairly light manner. I don't think the act was ever intended to treat young offenders who commit violent crimes on an ongoing basis in the soft manner it does. This message has been communicated to the federal Liberals, and still no action. So I intend to voice my objection to the federal Liberals' not listening on many fronts through the federal election, on things like health care, education and when it comes to safe communities.

The Acting Speaker (Mr Tony Martin): Questions and comments?

Mr Bruce Crozier (Essex): Speaker, you have just come into the chair, but I would remind you that the member for Northumberland spoke about teacher testing, which is not part of this bill, and the member for London-Fanshawe just ranted on about health care and Highway 401. So I should be able to take the next minute and 38 seconds to tell you how concerned I am about the lack of leadership on that side of the House on the strike on Pelee Island.

They have a school on Pelee Island, and they have students on the island who attend high school on the mainland. Transportation is imperative to them, as well as to the businesses on the island, the farmers on the island, the residents on the island and the visitors to the island. Tourism dollars are being lost by the tens of thousands, mainly because there's absolutely no leadership on that side of the House, in the government, to help settle a strike.

You'd understand this, Speaker: The only thing on the table right now are wages, and they're 1.5% apart. Yet this government, with all its money, with all this money rolling in—

Mr James J. Bradley (St Catharines): For advertising

Mr Crozier: They spend millions on advertising, as the member for St Catharines says, and they don't have 1.5% a year to help settle the strike on Pelee Island. What it boils down to is an absolute lack of intestinal fortitude, an absolute lack of leadership. The Minister of Agriculture is here. The Minister of Transportation should be here to listen, because you talk about 401 all the time. I think the people on Pelee Island deserve your support, and you'd do well to talk about Pelee Island.

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Ms Martel: Mr Speaker, before you came, you missed the comments by the member from Galt, who basically said that the reason the government was moving to make extracurricular activities mandatory in this bill was because unions were advising teachers not to help young people. What a crock. This same government has said on numerous occasions, the Premier included, that 99% of the teachers across this province are providing extracurricular activities.

The only place where we have a problem is in Durham, in the minister's own backyard, and we all know the reasons for that. It probably is, more than anything else, because the teachers in that area are teaching extra, more than any of the teachers in the surrounding areas. Forcing people to do what they are now already doing voluntarily is not going to lead to good relations amongst boards or teachers; it's going to sour those relations.

It was interesting that in the Sudbury Star on May 16, they talked to the four directors of education for the four boards and asked them what they thought.

Here's what they said: "There are so many teachers participating in extracurricular activities in Sudbury you could not mandate the number of hours that are already spent by teachers in those activities," said Gord Ewin, "Some teachers will have a negative reaction because now they are being forced to do something they always did willingly."

Hélène Chayer, who's the director of education for the Conseil scolaire de district catholique du Nouvel-Ontario: "It's quite deceiving that, because there are a few problems elsewhere in the province, the government is saying that teachers, as a whole, are not doing their job. Here, in our board, teachers are putting in an absolutely incredible amount of extracurricular hours."

The director for Conseil scolaire de district du Grand Nord de l'Ontario said that they have a full and active extracurricular program. They don't have to coach teachers to participate.

Finally, Bob Richer, director of the Sudbury board said, "The issue of extracurricular activities should remain an issue between individual boards, school councils and teachers," because otherwise if it's being forced on teachers, it's just going to "sour all those relationships."

Mr Bradley: It was a bit depressing listening to the speeches, because it reminded me that at one time there was a lot of enthusiasm in the teaching field and in the field of education. I'm not just thinking necessarily of the days of the New Democrats or the Liberals, I'm thinking back to the days of Bill Davis. We on this side of the House could disagree from time to time with Dr Bette Stephenson or perhaps our good friend Bob Welch or Tom Wells or Larry Grossman or some of the ministers of education, but you got the idea that they were there to be for education. Bill Davis himself made his name in the field of education.

You've got exactly the opposite today. You might expect that among the teachers' federations, you're going to have some anger with the government and so on. But it's the disillusionment of members of boards of education that concerns me. A lot of them are Conservatives. I know them well. They've been good members of our community. It was a different kind of Conservative. It was a Conservative who was pro-education.

My friend Tim Hudak would know of what I'm speaking. These were Conservatives who were pro-education in various communities. They were members of boards and, yes, they belonged to the Conservative Party and went out to the events and so on. But they were pro-education. They could work with teachers. They understood that teachers were the front line of education. They worked well with parents and students. What I see now is a vindictive, extremist government that is just looking for excuses to fight with members of the teaching profession.

The member for London-Fanshawe spoke. He would know what it would be like if members of the policing community were constantly under siege by a provincial government and how they would feel, compared to how teachers feel today. Teachers feel very much under siege today. They want to be enthusiastic. They want to be part of the system, but this government simply will not let them go away.

Mr Caplan: I'd like to follow-up on the comments from the member for Northumberland and the member for London-Fanshawe. I must admit I was very disturbed to hear the comments from the member for London-Fanshawe, who cast aspersions on teachers, on the teaching profession and on the leadership of that group.

I can tell you, having served as a school board trustee for almost six years in North York, that I had occasion to visit classrooms and to go to professional development days to see the great work teachers are doing with children, making a real and significant difference in the

lives of children, not just in the classroom but in all the parts that make up education outside the classroom as well, and preparing the next generation of leadership, the next generation of citizens. What is truly important is the investment we make, not only in money but also in time.

There is no doubt in my mind that the Harris government, with the mindset of a member like the member for London-Fanshawe, has only served to denigrate and scapegoat, for whatever reason. I find it very hard to understand why the members of the Harris government would seek to do this kind of deed. It serves no good purpose, except perhaps one. If the government wants to portray itself to be the hero, if it wants to portray itself to be the saviour, it must find a villain. They've chosen, for whatever reason—twisted and sick it may be—that teachers are going to be their villain.

This government has a choice to make. It can stand up and try to be held accountable and say, "This is what we're doing and why we're doing it," but they try, in a very sneaky way, to undermine those professionals who have made such a difference in the lives of children.

The Acting Speaker: Two-minute response.

Mr Mazzilli: The member for Don Valley East was perhaps not listening when I spoke. I'll clarify what I first said. I said simply that the primary role of the union bosses for the teachers is not be accountable to parents and teachers—that is not their primary role—it is to fight for labour issues, and in all fairness to them, that is their role, as with police associations. Their role is to fight for their members' rights, and as a government our role is different. Our role is to be accountable to parents, to students and to the entire community. That's what the intent of this act is, Bill 74, the Education Accountability Act. Others may take its intent to go beyond that.

All I can say is, yes, there are many teachers who are doing all the things we've heard. They have been doing it for years and have been doing it on a voluntary basis. Do you know what? This act is in no way going to affect those teachers in any way at all, because they've been doing it voluntarily for years. Perhaps the few who were not doing it may have to contribute in some way to co-instructional activities.

The member for St Catharines talked about, can you imagine police organizations being under siege? The member for St Catharines perhaps can remember the social contract. The social contract took so much money out of all of the civil service that in an area like policing everybody had to take time off at critical points of the night. So you would have 10 officers go out on the street; eight got sent home because no one could afford to pay them, so two officers were left on the street. Is that safe, in a large city, in a large community? Well, they have been under siege in this province and our government certainly has corrected that.

The Acting Speaker: Further debate?

Mr Caplan: I will be sharing my time with the member for Essex.

Usually I start off my comments by saying it's a pleasure, but unfortunately it is not a pleasure to speak to

this particular piece of legislation, Bill 74, and the continued attack by the Harris government, under various ministers, on education and on the teaching profession.

I must comment on the member for London-Fanshawe's last comments. He mentioned something called the social contract. If he has such a bitter memory of it, perhaps he or members of the government can explain why the Harris government chose to make the "social contract savings" permanent; \$387 million extracted from education. It doesn't stop there. The Harris government has also cut provincial grants to education by \$484 million. In fact, it doesn't even stop there. By not funding factors such as enrolment increases and inflation, another \$745 million has been extracted from education. The Harris government has removed \$1.6 billion from education, which rightfully should be there to support students and the teachers teaching those students. This is what Bill 74—and before it Bill 160 and Bill 104—is all about: removing dollars from education.

"We're going to dress it up a little bit. We're going to call it the education act to increase quality and accountability. We're going to try to massage it and use some misdirection. We don't want you to look down here when we're taking the dollars out; we want you to look up here. We don't want the eye to follow where all this is going, where the knives are going."

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Bill 74 is a perfect example, following up on past practice, that is strictly diversionary. The \$1.6 billion removed from education: What has that meant to our students? What has that meant to the teachers teaching those students? The government says, "We're lowering class sizes." In fact, that's not the case. Come to a classroom in Don Valley East, come to a classroom anywhere across this province and you will not see lower class sizes, but they say that they're doing it.

I have an interesting quote from the debate last night from the member from Barrie-Simcoe-Bradford. He said: "We're talking about accountability; we're talking about co-instructional activities; we're talking about class sizes; we're talking about instructional time." This is true. The members of the Harris government, the Premier and the Minister of Education, do talk about these things, but the reality, the way it's applied, is quite the opposite of what they talk about. That's the fundamental problem with what's going on. We have a government that is trying to divert attention away from what its true agenda is.

There was a startling admission. It began at the very beginning of the mandate of this government. Fortunately, we have the former Minister of Education here. Nobody would believe this except it was on videotape and it was transcribed. He said, "Our goal is to create a crisis in education." That wasn't it; it was for a purpose. What was that purpose? The purpose was to undermine the system and bankrupt education. In fact, those are the exact words he used: "We will bankrupt education and one of two outcomes will happen. Either the system will be totally broken and we'll be able to rebuild it in the image, in the ideology, in the manner and in the fashion

we want, or those stakeholders, parents, students, teachers, school boards, those people who are involved with education will be so desperate to hang on to whatever they have that they will be willing to accept anything that we impose on them." That is exactly what the then Minister of Education, Mr Snobelen, had to say.

What is it that the government wants to impose? What is its vision of education? Interestingly enough, the groundwork is being laid. How? Quite simply. "First, we take control of governance." That was Bill 104. "We undermine"—didn't really have to, unfortunately—"public confidence in boards of education. We'll undermine that confidence and we will take control of governance of education." That's precisely what the government did.

Next came Bill 160: "We control the finances." No longer do we have locally elected people making funding decisions about what happens in their local schools, with the advice of their local ratepayers, with the advice of parents, with the advice of students, with the advice of teachers, in a local community. That now comes centrally from the ministry, from the minister. The language is very clear and all members of this House know it. This government, the Harris government, are control freaks. They must control every aspect, the governance first, the financing second, and now we have Bill 74, the other aspects and elements.

Bill 74 is a very interesting read. It has some very fascinating clauses in it. "The minister has control and charge over the exercise and performance by the board of its powers, duties and obligations" The minister has control. "The minister has exclusive jurisdiction as to all matters arising" These are the words, these are the controls. This is what's contained in here—"all matters arising." In fact, it goes further and says: "that jurisdiction is not open to question or review in any proceeding or by any court."

That sounds pretty absolute to me. We've heard that kind of language in many other bills. It's not surprising you would find it again here in Bill 74. "We're going to take control." But this is the accountability act, right? So we're going to force boards of education, we're going to scapegoat teachers. It's not accountability for the Minister of Education. It's not accountability for the Premier. Again, misdirected; try to divert attention; try to scapegoat somebody else.

I've said it before and I'll say it again: It is sick and it is twisted that that would be the mentality and that would be the way, because for every protagonist, for every hero, you must have an antagonist, you must have a villain. The Minister of Education and the Premier have chosen as their villain the teachers of this province, the very people whose help we need because we ask them to do a very special thing. We ask them to find the hidden potential that exists in children, to fan that flame, to bring it out, to help children to be the very best they can. How can they do that when they're being undermined? How can they do that when they're being denigrated at every opportunity, when they're being devalued?

I say to all members of this House, this is not the approach that is used in business, this is not the approach that's used in academia, this is not the approach that's used in any sector anywhere in the world, except here in Ontario as it relates to education, and it is an abomination.

The times are definitely changing. There is a single-mindedness to impose this agenda. We saw the manifestation of it in the region of Durham. This formula that was imposed has been aptly named the "Durham disease." Now the Durham formula and the Durham disease are going to be spread across the province like a plague, if you will, and this plague is going to be mandated, and in fact there will be compliance and it will work—thus sayeth the minister. But it won't, because it didn't work in Durham. It's not going to work in Toronto. It's not going to work in the north or the east or the west or the southwest, in large communities, small communities or northern communities. It didn't work in Durham.

What Liberals believe we need is a partnership. We need to reach out. We need to bring people of goodwill together. We don't need to beat up. We don't need villains. We don't need heroes. We need a working partnership. It's very simple. It can work. I've seen it work. I know it will work. Continuing crisis and turmoil from one day to the next, from one negotiation to the next, from one piece of legislation to the next—when is it going to end? It won't until this government is either (a) defeated or (b) brings in the kind of change they want. It's very clear: It is a model of education that some call charter schools and voucher systems.

I believe that is where they want to go, and it's very clear that that groundwork has been laid. It is very clear that the crisis of confidence that this government is trying to create is the vehicle in which they're going to try to get there.

I can assure you that the people of Ontario do know and understand what the agenda of this government is and do know and understand what it takes to stop it, and it will stop. You have my word on it.

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Mr Crozier: I welcome the opportunity to spend a few minutes speaking to Bill 74 this evening. What particularly strikes me is part of the long title of this bill, which says it's intended to "enhance students' school experience." I think all of us rely on the experiences we have over a lifetime to make the decisions we arrive at today. I can think of how often I reminded Joan and my children, Nancy and David, about their school experience when they went to school through the 1970s. I pointed out to them that when I was young and went to school, we didn't have busing, and how I had to go through the snow to trek to school, through the wind and the snow and with newspapers on my feet. I've told those kids a lot about that experience.

Mr Bradley: Twenty miles uphill.

Mr Crozier: Twenty miles uphill, that's right. They then better appreciated what they had while they were in school compared to what we had to go through. It's those

kinds of experiences that bring us to the decisions we have to make today. Yes, it is better today than it was when I went to school, than it was when my parents went to school. There's been an attempt by all of us to improve our education facilities and, yes, enhance students' school experience. But you know, I'm also reminded that when I was younger I didn't like liver. My father had to eat liver because of the iron he would get from it. My mother would try to make up for that. Even though I didn't like liver and didn't want to eat liver, I had to have the same enrichment from it that my dad did. She'd find a substitute. She tried to find a compromise. I think that's what we're trying to find in education today, a compromise, and I'm not so sure Bill 74 is that compromise.

When I read in the bill such wording as "compliance measures," when, as my colleague from Don Valley East said, decisions of a minister can't be appealed even to courts—in other words, the very basic democratic right we have in this country to appeal to a higher authority is just taken away in this bill—that's not reaching a compromise. Of course we're not all going to agree on what's in the bill. In fact, I think it's our obligation and our responsibility, and in our democratic society, in our parliamentary system, it's the responsibility of the opposition to point out those areas that may not meet all of our expectations. That's why we get up and criticize a bill like Bill 74, for the reasons I've mentioned: that it doesn't try to reach some kind of a consensus that in the end will improve our education system. What I think it's doing, as a matter of fact, is dividing us. It's dumping on teachers, for example. I think in some cases it's dumping on school boards. It doesn't give the system a chance to function the way it should because it's functioning under some kind of intimidation.

We here in the Legislature have a special opportunity to visit schools. I would think all the members visit schools. I wish that everybody in the general public had that opportunity, not just those who have children who are students, but those young working couples who later may have a family and want to appreciate what our schools mean to us. Those, like me, who have gone through a school system that's changed over the years should go back and visit a school. I think they would find the same thing I found a couple of weeks ago at the Gosfield North public school when I was principal for a day.

I wanted to experience everything the principal did, so I had to be at the school at 10 to 8 in the morning. School didn't start till 8:30, students didn't arrive till 8:30, but the principal wanted to be at the door to greet those students. The teachers were at their classrooms to greet those students. When school ended somewhere around a little after 3 in the afternoon, one might think you'd just simply head on home—the teacher's day is over, get out of here, much like someone we've heard about recently used to do when he was a teacher, in some people's memory. But no, we weren't out of there at 3 or 3:15 in the afternoon. That day, when my constituency office expected me back at around 3:30 or 4 o'clock, I had to

call and say, "I just simply won't be in the rest of the day," because it was 10 after 5 when I left that school. And there were teachers still there. Were all the good teachers still there and some of the not-so-good teachers had left? I don't know. All I know is the experience I had at that school that day was one of a dedicated group of individuals who, as this bill purports to do, really wanted to enhance students' school experience.

Rather than forcing people to do things, rather than forcing teachers to do certain things, rather than forcing school boards to toe the line, I think we should give every sector of our education system an opportunity to do it in the way they know best. And I don't think it's through intimidation; I really don't.

I don't think we're going to get the best of someone if they have to be assigned a specific extracurricular activity. For example, what happens under this bill when we need someone to coach football and the principal, according to the plan that has to be put forward by the board, is given the responsibility to assign these extracurricular activities—that's what they used to be called in my day; they now call them co-instructional activities, but it means the same thing.

Mr Bradley: Parliamentary assistants.

Mr Crozier: Parliamentary assistants. Do they work under co-instructional activities?

Mr Bradley: Yes.

Mr Crozier: What happens if you don't have a teacher who has a particular expertise in an area where you need it in the co-instructional area? Do we simply say to that teacher: "I'm sorry. You're short a little time. You're going to have to go out and do it"? I don't think the result from that is going to be very good.

There are a lot of areas in this bill where we understand what some of the objectives are, but I frankly wonder if the method by which we're getting there isn't flawed. I hope we have the opportunity, through debate on the rest of this bill, that we can look at those areas of conflict that have been set up in this bill and, through some kind of discussion and agreement, get a consensus where we can, in the end, give these students the school experience we want them to have.

Education has certainly changed over the years, and for the most part it has changed for the better. But we went through quite a bit of turmoil a couple of years ago with Bill 160. I think we have to let Bill 160 work, and I don't think some of the parts of this bill that I have addressed—the assignment of extracurricular activities and the compliance measures in this bill—are going to get the kind of consensus we want, the kind of co-operation we want and the student school experience we want. But I know one thing that won't happen: They won't have to go to school in the snow with newspapers wrapped around their feet.

The Acting Speaker: Comments and questions?

Ms Martel: Let me follow up on the comments by the members for Don Valley East and Essex, and focus specifically on the notion that the government has that it's going to be a good thing, through Bill 74, to ram

extracurricular activities and the obligation for the same down teachers' throats. There are two examples I'd like to raise.

Last Friday I was at Confederation high school. It's in my riding. It's the fifth year in a row I've been there in mid-May, because every year the Kin Club of Valley East hosts a Raise the Flag Day, where they give awards to elementary and secondary school students who have participated in drawing, poetry and essay contests about why it's important to be Canadian and what the Canadian flag means to them. For five years in a row, that high school—its teachers, its staff and its principal—has opened up the doors to the community to come for that celebration. Over and above that, each of the homerooms in that high school—and this has nothing to do with their curriculum—has developed a Canada corner, where each of the students in the homerooms participate as well and develop the homeroom in such a way as to express why it's important to be Canadian. They do all that, and the teachers do all that, over and above all the work they do on curriculum. They don't have to do that, but they do it because it's important to the community and because they feel good about participating.

As I was leaving, I was hearing one of the teachers announcing what the scores had been from the volleyball games the night before and that badminton practice was going on that night. So here is a school where there are all kinds of extracurricular activities going on. Teachers are participating, and so are the students.

Then I look at my brother, who teaches here in Metro in Regent Park. Over and above the other things that he does in his elementary school, he and almost all the teachers in his school, on a rotating basis every morning of the week that school is in, go to the church next door and participate in the breakfast program and serve the kids they will later teach in the day. I wonder if the minister is going to try and legislate that too, while she's at it.

There is something dreadfully wrong when 99% of the teachers are doing extracurricular activities and this government somehow wants to ram it down their throats by making it obligatory.

2030

Mr Ted Arnott (Waterloo-Wellington): I want to compliment the members for Don Valley East and Essex on their fine presentations tonight. I listened to what they had to say. I must say I disagree with their conclusions, but I think they made some very good points.

I want to pay tribute to the teachers in Ontario in the little bit of time that I have. I am very fortunate to be married to my wife, Lisa. She's a teacher. We have many teachers in our family. Three of my brothers-in-law are teachers and I think I have, through them, a very good understanding—

Interjection.

Mr Arnott: We have interesting Christmas dinners too—a very good understanding of the challenges that teachers face, but also the great rewards that teachers have in terms of their occupation.

The member for Don Valley East is quite right when he says that we need to have a co-operative working partnership with the teachers. I would say, for my part, it's fairly self-evident that we want to have motivated and enthusiastic teachers in our classrooms, and if that's the case, the kids are going to get a good quality of education. I completely agree: We need a strong working partnership.

This Bill 74, as we know, will require school boards to ensure that secondary school teachers are meeting provincial standards for time spent in the classroom—1,250 minutes a week, four hours and 10 minutes of instructional time a day—to make sure that's happening. Of course Bill 160 mandated it, but apparently there have been some areas where that is not taking place. This bill also ensures that extracurricular activities, or as we call them now, co-instructional activities, will take place, whether they be soccer, drama or commencements.

When we recall the days of the debate when we were talking about Bill 160, we heard from teachers how important extracurricular activities are, and again I would agree completely. Based on my wife's experience, she tells me that to the extent she's been involved in extracurricular activities, which have consumed a great deal of her time, it helps her teach the kids in the class because they see her as an extracurricular leader, and that helps her ability to teach.

I think the fact that the principals will have the responsibility to assign these extracurricular activities will enhance the professionalism of teaching in the province of Ontario.

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): Je dois féliciter mes collègues d'Essex et de Don Valley East. Comme l'a mentionné le membre d'Essex, nous dans l'opposition devons faire valoir ou démontrer nos inquiétudes envers ce projet de loi.

Lorsque nous regardons le projet de loi, cela démontre vraiment que nous n'avons pas confiance en nos enseignants et enseignantes. Cela démontre aussi le manque de respect qu'on doit avoir envers ces personnes. Lorsque je regarde surtout la partie 230.12, cela démontre que toutes personnes qui font partie d'un conseil scolaire, je dirais, deviendront des "puppets." Les puppets, ce sont les personnes qui font exactement ce que leur patron leur dit de faire et n'ont pas droit à d'opinions.

Dans ce cas-ci, on dit « Le conseil et chacun de ces membres, agents et employés se conforment aux arrêtés et décisions que prend et aux directives que donne le ministre en vertu de la présente partie ... » Les personnes qui ne suivent pas les directives sont sujets à une amende allant jusqu'à 5 000 \$.

Je regarde en Californie, par exemple. J'ai regardé un peu le journal National Post hier. Je vais vous le lire en anglais :

"Gray Davis, California's Governor, announced that he wants to exempt public teachers from state income tax. 'If you teach in California, we are going to reward you like we reward no other profession,' he said."

Just to show you that in other countries they do believe in the role or the position of a teacher, but not here in this government.

Mr Bert Johnson (Perth-Middlesex): I want to compliment the member for Essex and the member for Don Valley East on their presentations tonight, and to express to them that although I was listening and I understood, I didn't agree with all the conclusions they have.

I have a great deal of respect for the teaching profession in Ontario. Like many people, I share a background of teachers. My mother was a teacher and my mother-in-law was a teacher. I have a niece who is teaching with the Waterloo board. These people raised families and still did what they considered their duty and their responsibility to the teaching profession. I can think of other professions that have demonstrated the same kind of response, but I can't think of anybody in their position who has undertaken their duties and responsibilities with any more dedication. When I say "other professions," I can't leave out my wife, who was a nurse. If I overlooked them, I would be subject to some criticism.

I'll have some comments a little later in the evening, but I did want those two members to know that I was listening, I heard and I understood, and I compliment them.

The Acting Speaker: Two-minute response, member from Don Valley East.

Mr Caplan: I'd like to thank the members from Nickel Belt, Waterloo-Wellington, Glengarry-Prescott-Russell and from Perth-Middlesex for their comments.

I'd like to focus on the two members of the government, the member from Waterloo-Wellington and the member from Perth-Middlesex. I hear members say they respect teachers, but the words are different than the actions. The government takes out an offensive ad with a clock, trying to leave the public with the impression that teachers are not performing their jobs with the same kind of rigour and dedication that is the case.

The Harris government has embarked on this propaganda campaign to indicate that there is no accountability, that teachers are somehow coming late, leaving early and need to be taught a lesson. It's creating that impression, which shows a distinct lack of respect for teachers and for the work they do. I can tell you that if it is not true—if what I say is not true—that the crisis in education is not by intentional action, then it certainly is true that there is grave mismanagement of education, and has been since the Harris government has come to power. Never before in the history of this province have we seen the kind of chaos and turmoil in our schools, and that is not about the people who are teaching, but also about the people who are learning, the kids. That's why schools are there.

Everybody says, or I've had the occasion to hear, that morale is at the rock bottom. I don't use that phrase any more, because with every new piece of legislation, with every new action, that atmosphere goes down. The kids in the classrooms know it, and the parents know it. Why doesn't this government get it?

The Acting Speaker: Further debate?

Mr Johnson: I'm glad the member for Don Valley East is here and that he is interested in the truth. I think the truth is that you need a strong economy to afford a good education system. I thought I settled this and buried it last year in the election campaign, but I didn't. I want to quote for you, if I can, page 2974 of Hansard. I'm quoting Mr Gerretsen of the Liberal Party, "That's on page 57 of the Ontario budget, clearly indicating that over the last five years the debt of this province has gone up by a further \$25 billion." That is a little bit true—about half. I can't say in this House what the other half is, but it's about half true.

If you keep repeating those kinds of things, then somebody may at some time believe them. On the same day, and I'm quoting from page 2970 of Hansard, it says, "Anybody who cares to look at the finances of the province will find that Premier Harris has added \$24 billion of debt since he became Premier." I'm quoting Mr Gerry Phillips on that page. That too is a little bit true—about half. The debt has gone up by that much.

2040

I want to quote from page 2653, and this happens to be Mr McGuinty, "This government has added \$24 billion to the province's debt since it was first elected." That also is a little bit of truth, but it sure isn't the truth—not the kind of truth that the member from Don Valley East prescribes to support in this House.

The reason why I want to tell you can be found on the very same page the member would have had his quote from. Page 57 of the Ontario budget does show that in 1994 the debt was \$90 billion and that in 2000 it is \$114 billion. The difference is \$24 billion, but I want you to just add up—the member across can do this. There was 1994, 1995, 1996, 1997, 1998, 1999, 2000. How many years? Seven years. How long has Premier Harris been Premier of this province? It will soon be five years. The little bit of truth is that it did go up that much. The part that isn't true is what it went up during the time this government has been in office—five years, and he's quoting a seven-year increase.

Mr Alvin Curling (Scarborough-Rouge River): He increased the debt.

Mr Johnson: Yes. To the member from Scarborough, the debt did go up. It went up almost the same as on page 77 of this red book, at the bottom, where it says the Liberals would balance the budget in five years—five years. What would happen to the debt in here? It even shows how much it was going to go up, and I'll remind the member that it would be much in excess of what it has gone up under ours.

The fact of the matter is that the member from Trinity-Spadina touched on one of the problems I'm trying to demonstrate, and that is that there are politics. One of the politics is that the opposition would like you to believe that there is constant consternation within the education community. Indeed, everything isn't perfect, but it sure isn't—it's a little bit like the debt. What they're saying is maybe close to half true.

I'm pleased to have the opportunity to rise to speak in support of Bill 74, the Education Accountability Act, and I will be sharing my time with Mr Beaubien, the member for Lambton-Kent-Middlesex.

I'm proud to be a member of a government that puts such important emphasis on improving the quality of education and bringing in accountability measures. I can tell you that as a parent myself and a former school trustee, I can speak of the need for education reform and the need for accountability.

I think it's important to note that education reform and accountability have been talked about before, and parents have asked for it. Previous governments of this province didn't have the will to bring about the change that was needed.

In the 1970s, people like Stephen Lewis, the former Ontario NDP leader, talked about the education system and the obsession that some unions had with contracts rather than teaching and quality education.

In 1994, the former NDP government established the Royal Commission on Learning, which was an all-party committee. This commission emphasized the urgent need for reform. But despite the recommendations of the royal commission, nothing was ever done to improve the quality of education in our province.

Our government, once elected in 1995, quickly moved to establish the Education Improvement Commission to evaluate the strengths and weaknesses of our education system and to suggest ways to improve it.

It's important to emphasize that education reform has been talked about before, but our government has accepted the challenge of making changes to our system. I think it's also important to note that Ontarians endorsed our reform proposals in both 1995 and 1999, and we're fulfilling many of our promises with Bill 74, the Education Accountability Act.

I'm pleased that one of the aspects of this bill will ensure that all school boards and schools provide co-curricular activities for their students. As we know, there are hundreds of thousands of students in the region or municipalities of Durham who for the last two years have had these withheld from them. We have fond memories of our own educational experience. Students in our education system today also want to have the same memories of their education, and part of their memories will be about extracurricular involvement.

As my colleague the Minister of Education stated, most teachers in schools are providing some form of co-curricular activities. In fact, the majority of teachers I know in my riding of Perth-Middlesex consider the extra-curricular involvement to be part of their professional responsibility.

When I think of extracurricular involvement and professionalism, I think of two teachers in my riding of Perth-Middlesex, Rob Collings and Mark Roth. Rob and Mark are both technical studies teachers at Northwestern secondary school in Stratford and both are concerned about the shortage of skilled labour in today's technological society.

Rob and Mark are making a concerted effort to find ways to improve the technical programs being offered at the secondary school level, and are spending a lot of their time outside the classroom in the community promoting the benefits of a technical education.

This past Saturday, at 8 am, I attended a breakfast, open house and sale at Northwestern secondary school that was organized by Mark, Rob and the rest of the staff in the technical studies department at Northwestern. It was a great opportunity for the public, co-op employers, industrial suppliers, other students and parents to witness the kind of quality technical education students are receiving and its usefulness in our everyday lives, whether it be fixing our car, rewiring our house or making garden ornaments.

This is a great example of teachers going above and beyond the call and working in the best interests of Ontario students. I applaud the efforts of Rob and Mark for the example they are setting. And they are an example, because there are literally hundreds and even thousands of teachers in my riding doing the same.

Bill 74, the Education Accountability Act, will help ensure that all schools provide the co-curricular activities that enrich every student's school experience. You'll even be interested to know that I used to take part in each Gilbert and Sullivan production that our school put on each year I was in school.

Mr Bradley: Who did you play?

Mr Johnson: I played Pooh-Bah in the Mikado, and I played the sergeant of police in the other one. I can still carry a tune.

I'm pleased to support this piece of legislation and the provisions it has for increasing the amount of instructional time for our secondary school teachers. In 1997 the Education Improvement Commission informed us that secondary school teachers were spending less time in the classroom compared with their other provincial counterparts. Basically, Bill 74 will ensure that secondary school teachers are in the classroom for four hours and 10 minutes.

It's not surprising that the union leadership are making an issue of this. But in my view, and in the view of many of my colleagues on this side of the House, the teacher union leaders have to understand that part of their responsibility is to provide leadership for change and improvement.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It certainly is a pleasure for me to rise in the House tonight to talk about Bill 74, the Education Accountability Act, 2000. But first of all, I'd like to read the entire title of the act. It says "An Act to amend the Education Act to increase quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience." That sounds pretty fuzzy to me, and I think it's a fairly reasonable approach to providing public education to our children.

This government believes in providing a sound, accountable, responsible public school system. We're committed to funding that system.

2050

I have heard tonight from different members, and I'm somewhat confused by some of the figures I've heard. It's too bad that the member for Trinity-Spadina is not here, because in his comments he mentioned that this government had cut education funding by \$1 billion. But my friend on the other side of the House from Don Valley East stated that we had cut the funding by \$1.6 billion. That's only \$600 million difference between the New Democratic Party and the Liberals.

So I went down and got a budget paper for the year 2000, and it says that in the year 1997-98 we spent for education \$4.713 billion; in 1998-99 we spent \$7.717 billion. The interim for 1999-2000 is \$7.823 billion. The plan for the year 2000-01 is \$8.026 billion. And that's just the elementary and primary. If we go to training, colleges and universities, in 1997-98 it was \$2.988 billion; in 1998-99, it was \$3.215 billion; in 1999-2000 it was \$3.252 billion; and in our plan for the year 2000-01 it is \$3.387 billion.

So I would ask the members from the other side of the House—I know *mon amie la députée d'Ottawa-Vanier* is a reasonable person, and I'm sure she probably could provide me with these figures, because it's a lot of money. One group says \$1 billion; the other one says \$1.6 billion.

Furthermore, the interesting thing that I find about "cuts" and "taking this away" is that in 1994, the total operating expenditures for the province were \$53.961 billion. The plan for 2000-01 is \$58.985 billion. So I think there is some confusion, but if we can't believe what we read in the Ontario papers, then I think we're in big trouble.

I would like to make another comment with regard to the member for Trinity-Spadina when he mentioned that this bill has nothing to do with improving the education system. I think this bill and previous bills deal with improving the education system. We don't believe in living in the past. We believe in providing a sound, quality education for the future of our children.

Let's go back to the dollars, because I've heard tonight that we've cut the funding; we took over control of the funding. Why is it that this government took over control of the funding of the education system?

I remember being elected locally as a councillor in 1976—that's longer than some of you members have been alive, I guess—and one of the first things I heard when I was elected as a municipal councillor was that the municipal taxes kept going up, but every time you sat down with one of the constituents, you had to explain their tax bill, that a part was the municipal bill, another one was the county assessment portion, and you had the education portion. Where did the increases occur? Yes, there were some increases on the municipal side, and at times there were some increases on the county side, but most of the time, and the largest increases, were with the education portion. That is a fact. I know it's difficult for the opposition to swallow that one, but it is a fact.

Consequently, the member for Don Valley East is quite right when he said that with Bill 160 we took over

the funding of the education system. To show you a good proof as to how irresponsible some of the boards—and I can name my own board back home, the Lambton-Kent school board, which amalgamated a few years ago. They had 30,000 students in the system two years ago. They are down to 27,000 this year, and they are going to lose another 700. But the interesting situation is that they have 7,600 redundant pupil places. If you have an empty building, there's no doubt that it costs money to operate that building. Guess what? We take the money for operational costs and cut down on the educational side. That happens in my riding, that happens in your riding and I think that happens across the province.

I've also heard from members that there was no money for books and no money for supplies. At the end of the day, they said, "The teachers have to spend money out of their own pockets." I'm sure they do, at times. But let me tell you that two years ago, with the school board in Lambton-Kent-Middlesex, at the end of the fiscal year—guess what?—there was a surplus. But all year long we had heard that there was no money for books, that there was no money for supplies, that there was no money for this. What did we do with the surplus? Did we put it back into the classroom? Did we put it back into providing services? No, we gave the superintendent a bonus.

Last year, the same story again: We had no money for books and no money for supplies, but—guess what?—at the end of the year we had another surplus. What did we do with the surplus this time? We gave the vice-principals and the principal bonuses. Is that fair to the students? I don't think it is, and I don't think this government thinks it is. That's why we are taking control of the funding of the public school system.

I want to be fair because I know teachers in my riding, in my community of Petrolia, at LCCVI, teachers like Vince Lyons, Dave Hewett and Andy Toulouse, who taught my kids in the primary system. These are dedicated people. They work hard. I heard from one member on the opposite side that the principal came to school at 10 to 8. These people come in before that. They're there at 7:30 and 7 o'clock, and they're still there at 6 o'clock at night. There are a lot of these people who are very dedicated.

But the converse of this is when I see what is happening with some of the other schools, like in Durham, where they're withholding services, not only in sporting activities but in cultural and social activities. Is this fair? Does this provide a complete, rounded education to the students? I don't think it does.

There is no doubt that I agree with the member from Don Valley when he said—and I think I quote his words—that we have to be fair and that we have to work as partners. I totally agree with that. I think that if we can work together, if we can work in co-operation and if we keep our eyes on the students—not our own turf, not what is best for the unions, not what is best for the government, but what is best for the students—at the end of the day our students are going to gain, our students are

going to be better off, our students are going to be better prepared for the future and—do you know what?—as an aging person I'm going to be better off, because they're going to look after me very well in the future.

The Acting Speaker: Comments or questions?

Mr Curling: I listened to both members on the government side speaking so emotionally about this legislation. It has really appalled me, somehow, to know that both have talked about complimenting teachers on how hard they work and what they have done, but somehow they feel it's necessary to legislate. I think you are following a path, and you realize your mistakes now. When you started as a government, you came in really as a bully. You beat up all the people, you beat up the teachers and you did all these kinds of awful things. Now, when you realize the kind of work they have done—and many of the people feel very turned off about their boss—you say: "Do you know what we're going to do? We're going to legislate love now. It's time to legislate some love and affection."

I think the next law you are going to bring in is to legislate some love and affection for the Progressive Conservative Party, because so many people hate you. So let us do some legislation. These wonderful, hard-working teachers, who have dedicated their lives and their skills to students and have produced some excellent students in our midst—we have now realized that we have to legislate this love and affection. Tell me something: How far will this government go in doing all this legislation?

I was recently reading of Teachers' Day across the world, and many people were applauding teachers. Many newspapers I have read around the world have talked about applauding the excellent work that teachers have done. They're complimenting them for their activities. I picked up the *Globe and Mail* and the *Toronto Star* on that day. What was this government doing? Penalizing students by penalizing the teachers. What a contrast. At a time when we should be recognizing the great contribution of teachers, this government comes down with law to penalize them, to legislate love and affection. It doesn't happen that way, and I hope you wake up and smell the coffee one of these days and realize how you can compliment those people who have done such a wonderful job.

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Ms Martel: In response to the comments that have been made by the Conservative members, it's hard to accept that the government is interested in working with teachers when they spend most of their time bashing teachers, and have done that since they were first elected. With many of the changes that will result in fewer teachers teaching more students, as was announced last week, or the whole situation regarding teacher testing announced during Education Week, that should have really been described as Teacher-Bashing Week, because that's what it was all about. You can see the government laying the groundwork for what is probably going to happen this fall: chaos yet again in the system as people

try to deal with negotiations and try to deal with what the government is putting down their throats through Bill 74. It will be anything but a spirit of co-operation that will be found across the province.

The minister has tried to say that this is going to result in more teachers. Well, it will not, and it will not because the change in instruction time will directly result in fewer teachers teaching more students in the classroom. The board in Sudbury, the Rainbow board, which has on most occasions been quite supportive of this government, came out last week and made that very same point. The chairperson of the board is Doreen Dewar.

"This legislation will mean that we need fewer teachers," said Dewar, who confirmed that close to 50 teachers will be laid off because of the legislation. "The government hasn't been honest. They call it more time in the classroom, but it is really a big money-saving measure."

"Because teachers will have to teach more classes over the course of four semesters (two years), fewer teachers will be needed in the system, said Dewar.

"The Ontario Secondary School Teachers Federation said that 49 high school teachers have been given termination notices by the Rainbow board" as a result.

So there you have it: fewer teachers, more students in the classroom being taught by those fewer teachers.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I am pleased to rise and say a few words about the presentations made by the members for Perth-Middlesex and Lambton-Kent-Middlesex. I think they were very well researched and very solid presentations on Bill 74, although I would have to say that the member from Perth started off somewhat off the topic, which I'm sure no one else would do, and spoke about the accumulated debt in this province and how it had grown for many years.

Of course, we all recognized that it would continue to grow until we had a balanced budget, which this government was able to do in the past two budgets. He presented a very good case. He did a lot of research to point out that sometimes things that are said are not always totally on the facts and all the truth, from some of the comments made. I think he spoke about things being half true, and he wasn't going to say what the other half might be. I think that was a point very well made.

I think it's very important to recognize the part of Bill 74 that deals with the co-curriculum activities. I have a daughter in grade 10 and she does a lot of that. She is involved in the drama club; she's involved in a lot of sports; she's part of the student council. To do that requires a teacher or someone in the education field to help that along and be there when this is being done, and in her school that is being done very well. But I think I would somewhat sympathize with those areas where that is not happening. I think it's very important that the Minister of Education is bringing forward the bill that will make sure that happens in every school. I'm very happy to stand up and support this bill.

Mr Bradley: What the whole policy is about is really fewer teachers, particularly in secondary schools. Cut it any way you want, that's what Bill 160 was always about. I remember an incident over in the Whitney Block when the then Minister of Education, Dave Johnson, was asked how many fewer teachers Bill 160 would mean. His guess, which was an honest guess, he hadn't been prompted at that time, was probably about 7,000.

Now the right-wing commentators who are on your side will say: "Well, of course, aren't they asking for more teachers? Won't they need more teachers? Isn't there a shortage?" Yes. But what you're going to have as a result of this formula is fewer teachers in the school. Make no mistake about it—that's what Bill 160 was about.

The teachers' federation called the bluff of the government. They said: "You want us to have more contact hours with students; we will give it to you. Here's the formula. We'll extend the length of the day. That will give you more contact time. We will eliminate certain professional activity days. That will give you more time." But you see, when it came down to it, the government turned that down, because what they really wanted was to have fewer teachers in those schools, and that's what it's about. There's no masking that. That's exactly what it's about.

What is interesting to see is when people vote with their feet. People are leaving the school system, not at the end of the year, not at the end of the month, they now leave the day they can leave. That's how much you've worn them down. You've picked out the enemy. You've picked out the victims. There's always going to be a crowd there that will cheer when you put the boots to the teachers. I know the people. I know the ones who will be cheering about that. You'll feel good about it. Some people will say, "Yeah, it's time somebody put those teachers in their place." But ultimately we have to look at the good of the students, and I don't know why people who used to be so pro-education within the Progressive Conservative Party are today so anti-teacher. It's just demoralizing for the profession.

The Acting Speaker: Two minute response.

Mr Beaubien: On behalf of my colleague from Perth-Middlesex, I would like to thank the members from Scarborough-Rouge River, Nickel Belt, Oxford and St Catharines for their comments.

I've heard that this exercise is about penalizing and bashing teachers. Let me tell you that I think you're wrong.

The member from Trinity-Spadina mentioned polls tonight. I didn't talk about polls, but he talked about polls, and I think he said that 71% or 73% of the people support what the government is doing with education reform.

Let me tell you what our reforms are all about: It's investing in children. For instance, in the budget that was submitted a couple of weeks ago, we put in an additional \$6 million to extend preschool speech and language programs to five-year-olds. We're going to spend \$7 mil-

lion annually to implement an infant hearing screening program. We're going to spend another \$7 million for initiatives to stem the growing problem of eating disorders.

Consequently, I think we are concerned about young people. We are concerned about young students who have disorders, disabilities, maybe come from single-parent homes. We want to make sure that they have proper eating habits, have a decent breakfast. We want to make sure that they hear so that they can absorb the information that the teachers are giving them.

We want to make sure that we have an education system that is responsible, that is accountable, not only to the students but a system that is accountable to the taxpayers of this province.

The Acting Speaker: Further debate.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I am pleased to join the second reading debate on Bill 74, and I've had the pleasure over the last couple of days of listening to many of my colleagues on both sides of the aisle address the issues in their own inimitable and idiosyncratic ways.

I must say to the House tonight, it's a far more civilized and respectful place this evening than the barroom brawl that we had here last night, and I think that's a useful thing.

I was interested in our friend from Listowel talking about statistics. I've been waiting, actually, for a few weeks to find an opportunity to cite one of my own that is a bit irksome. I'm going to add to this a growing sense of despair I have about not being told the truth—just routinely. My friend from Petrolia says, "If we can't believe the budget, what can we believe?" I've got to say, government budgets, increasingly, here and elsewhere, you shouldn't believe everything you read in them. We're hearing now provincial and national auditors saying that all kinds of games are being played. I'm not really here to talk about that tonight. This little book—

Interjection.

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Mr Conway: No, I'm going to make a point. The official line is that this famous millennium book—and this is the government line, the minister's line—cost \$1.10 per edition: 98 cents for design and printing and 12 cents for postage. I respectfully submit that is manifestly not true. I don't know what the truth is, but I know that's not true. That, in my view, is premeditated disinformation.

Interjection.

Mr Conway: I went to a number of printers and I said, "Just as a matter of interest, what about this?" They figured five or six bucks at a minimum.

Interjection.

Mr Conway: I'm just speaking for myself.

My friend from Listowel says, "What is it that you can believe?" I'm asked to believe that this is \$1.10, and I respectfully submit that's not true. I have all kinds of independent experts who say the only way it could be true is that there's some kind of unadmitted subsidy built

in, either by the producer or the procurer. But I just make the point. I'm not going to spend any more of my time on it, except to say this is a place that is increasingly irrelevant, because it's based on the old Victorian notion that honourable men and women will respectfully and routinely tell each other the truth. That Victorian notion is receding very quickly, if it hasn't disappeared entirely.

On Bill 74, I have a slightly different position than many of the people who have spoken here before, and there is a certain ambivalence that will attach to my remarks, because I think I understand something of the pressures that have driven the government to some of what is contained in Bill 74. We are now clearly engaged in a culture war.

The Acting Speaker: Excuse me. If members want to have a conversation, take it outside. Otherwise, the speaker would appreciate some quiet.

Mr Conway: We are clearly engaged in a very significant and profound culture war. It's been coming. Some speakers earlier in the debate have referred to this. It's a culture war. It's a morality play. There are good people and bad people. I'm glad the Attorney General has joined us, because in the morality play we're living in Ontario today, I think a reasonable person would say it's clear who the good people are. Cops are good people. Teachers are bad people.

Hon Mr Flaherty: No, criminals are bad people.

Mr Conway: No, no. Again, I want the Attorney General to join the debate. My friend from Petrolia was talking a while ago about the pressure that has been building in many municipalities and local governments about the cost of education, and he's absolutely right. I haven't heard one member of this government—and he's right about that. He certainly was right about that. People not unknown to the Conservative Party, like Tom Jakobek, have been talking very loudly, until their recent departure from the budget office downtown, about the incredibly rigorous pressures on property tax bills in Metropolitan Toronto from the police budget. Have I heard anybody across the way complain about that inflationary pressure on the property tax bill? No. I understand why.

In this new paradigm, in this new morality play, cops are good, a priori teachers are bad. We are a society today that celebrates Julian Fantino. There was a time in this province when we would celebrate an Egerton Ryerson. We have an Attorney General who is complicit in an attack on the judiciary. We have a Premier who is bowing down and genuflecting daily at the high altar of the corporate bosses, because they are, a priori, good. Good people, bad people; it's a very clear and simple world.

There isn't a former Minister of Education, from Bill Davis to John Snobelen, who wouldn't tell you privately that doing battle with the teachers' federations is often an exasperating business. I'll confess it. I have to make a public confession. I came upon a friend of mine the other day reading the 10-year review of the Ontario teachers' pension plan, celebrating an enormous decade of

achievement. I was the rotten scoundrel who forced those teachers to take that awful plan. I remember the paint peeling off this place because it was such a treachery. You can understand how, 10 years later, I might want to say to my friends at the federation, "Such treachery, such hardship, such unfairness." I rarely meet a teacher today who doesn't celebrate—rightly so—the enormous success of that 10-year experience when teachers were allowed to get away from the oppressive control of government with respect to their pension plan.

I'm the guy who got to implement the famous Bill Davis commitment on separate school funding. Was it more complicated and costly than advertised? You bet. I could, after the current fashion, spend all my time and all my energy denouncing Bill Davis and Ed Stewart, two really fine people who I suspect knew more about education than anybody in my lifetime. I got to do much of their handiwork. I used to wonder on those awful nights in 1985 and 1986: "Fifty million bucks. No problem here, a little adjustment there. Hah!" But I don't find it a particularly necessary or fulfilling business to do that.

Ten or 15 years from now, we're going to look back on 1998, 1999 and 2000. I suspect the future is going to unfold in a very different way than some of my good friends opposite might prayerfully imagine. My friend from Listowel celebrates the great budgetary success of May 2. I will be a little ecumenical. It's hard not to agree with him. I suspect that May 2 will represent something of a high-water mark. Your worst fear is the fear that any government, any finance minister has: "What am I going to do? Some day I have to get up and announce not excess revenue of \$5.3 billion but, God forbid, a deficiency of \$2 billion, \$3 billion, \$4 billion or \$5 billion," which is what Floyd Laughren got to do in 1991 and which is what Frank Miller got to do in 1981. He didn't plan it. It may never happen again.

In this wonderful world where a pay cut is really a pay raise, where sunshine is really sunset, where an attack is really an embrace, one of the things I find so remarkable about Bill 74 is that it's all about accountability and participatory democracy. You can't read the sections having to do with the minister's enhanced power to move in and take over a board and see it for anything other than what it is. I would have to say to people on local school boards: "Why would you bother? Why would you be an accessory to this fiction? Give Queen's Park the keys." I say to my friends out in Listowel and elsewhere: "Do you really want to scare the wits out of the crowd at 900 Bay Street and at the Premier's office? Give them the keys and say, 'Take it.'" Let them run the schools in Emo, La Salle, Vankleek Hill and Wilno, and let them run them on a daily basis. Do you know what you're going to find? You're going to be left with the laughable situation we have in Renfrew, the largest county in Ontario. I said it today and I'll repeat it: from Arnprior in the south to Deux Rivières in the north, 200 kilometres; from La Passe in the east to Combermere in the southwest, 150 kilometres—the largest county, over 3,000 square miles,

and we get neither jot nor tittle on the rural and remote funding account of the new formula, while Kingston gets \$1.3 million, Lindsay gets \$1.2 million or \$1.3 million, Belleville gets over \$1 million and, yes, North Bay-Parry Sound get about \$2 million plus. That's just a small example of what you get when there is the kind of centralization we are endorsing.

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Trust me, I understand the impulse to say, "I've had it with these people out in the hinterland, giving me a bad time on the front page of the Sun Times or the Petrolia Trombone or—"

Interjection.

Mr Conway: Mr Speaker, Caliban has arrived.

The Acting Speaker: If you're going to heckle, at least sit in your own seat for one thing. I prefer that you not heckle.

Mr Conway: The public school board in Renfrew is left with this apparently ridiculous situation, which I am still hopeful my friend the minister is going to address.

One of the other delicious paradoxes of the current situation is less bureaucracy. Why, my friends, at the local level we have more bureaucracy. The people calling the shots at your new, enlarged school board are the director and the assistant director. There's absolutely no doubt about it, and people understand it.

My colleagues in the Liberal Party and others in the opposition have perhaps been more than fulsome about their concerns with respect to what we're doing to teachers, and my friend Bradley a moment ago was absolutely right. We have seen, particularly from Mr Harris, a calculated, consistent and premeditated attack on teachers. They are rightly tired of it. But I say to my Conservative friends and my Liberal and NDP colleagues, don't worry too much about it because, oh, the wonderful determining market is going to come quickly to the fore. Margaret Went in the Globe and Mail of May 9 wrote a column, The Coming Classroom Crisis. I'm just going to take a moment to cite some of her data. She observes that, "A quarter of Ontario teachers on the job in 1998 will" be gone by 2003—a quarter of the teaching cohort gone in a couple of years.

Interjection: That's subject to demographics.

Mr Conway: My friends opposite say it has something to do—you bet you—with demographics. We already have, as Mr Bradley and others have observed, critical shortages in math, computer technology and a number of other specialties, and that's going to get much more aggravated in the coming years. If you are in eastern Ontario, why would you go and take a job as a graduate of Carleton University, Queen's, Laurentian or Waterloo, for 30,000 bucks at the school board when you can earn \$50,000 or \$60,000 at Nortel, Cisco or Mitel, with some stock options, and now there are new tax considerations thrown in.

Mr Bill Murdoch (Bruce-Grey): What's your point?

Mr Conway: My point is—

Mr Murdoch: We haven't got your point yet.

Mr Conway: My point is, I say to my friend whose mother was a teacher, I have to think that your mother must have had some pedagogical successes beyond my comprehension and my current viewpoint. But I have to say to the House tonight, with tens of thousands of teaching positions coming on stream within the next couple of years in Ontario, the rest of Canada—California, according to the Wente article, requires something between 250,000 and 300,000 new teachers. In eastern Ontario, we've had school boards from the southeast, from North Carolina, up in Ottawa making very attractive offers.

Mr Murdoch: But you're relying on an article in a paper.

Mr Conway: I say to Caliban, if you want to debate in a Parliament as opposed to expectorating in a barroom, you can come and join this.

Interjection: Very arrogant.

Mr Conway: I am arrogant. When I am so rudely interrupted, you bet you—

The Acting Speaker: Please take it outside or stop, OK?

Interjection.

Mr Conway: You see, that's what we had here last night, I say to my friend the Attorney General. We had this kind of barroom behaviour. If you want to show up here at the end of the night when people like Johnson, Beaubien and others have been here patiently participating and listening, I don't think it's arrogant to say that's rude and unbecoming.

My point simply is this, that the marketplace is going to dictate that governments, school authorities and communities are going to have to do all kinds of things, like the Governor of California has apparently done this week, because there is going to be a critical and chronic shortage in the teaching profession across the continuum, elementary, secondary and post-secondary. That's why this attitude is so peculiar. Attack the teachers, denigrate the profession and do this at a time when you know it's going to be a sellers' market. I'm not a businessman, but I think I know enough common sense to understand that's got to be a counterproductive, if not a destructive strategy.

Yes, there has to be change. There will always be change in education. I always like to remind people, and if you've never read it or heard of it, you should read Hilda Neatby's famous tract, *So Little for the Mind*, published in 1953, a blistering attack on the public school system of Canada and America about the time I was born. Jack Granatstein writes wonderful tracts these days denouncing a lot of what goes on in education. I spent this winter teaching in an Ontario university. I guess I'm old-fashioned and, boy, would I like to have my friend

Murdoch in that class. It's clear the world is changing. We are living increasingly in an electronic world.

Interjection: Double-dipping.

Mr Conway: I am double-dipping. I'm happy to tell Revenue Canada and the House that I am. It is an experience that has taught me something about the importance of prep time, about the condition and the attitude of students today. When people say the school system reflects the society, they're absolutely right. My teacher friends tell me of the situations they routinely encounter, not just in places like Toronto and Ottawa but in the Ottawa Valley communities I represent, Pembroke, Petawawa, Renfrew, Arnprior, Eganville and Barrys Bay. I'm hearing things that I find quite extraordinary, some of them positive and some of them very worrisome.

My friend from Windsor West has talked to the House about these raves. Can you imagine teaching on a Monday morning in a classroom where half the kids were out at some rave in Windsor or London? Inconceivable if you were in high school when I was there in the mid-to-late 1960s, but that is a reality with which teachers, principals and vice-principals have to deal in the year 2000. Yes, our teachers and our principals have an enormous challenge. I'm the first one to consider change. On the issues of standards, I'm probably prepared to go further than most people in this room, but I'm a realist. I had 15 wonderful students this winter reminding me on a weekly basis of just how important a bit of reality must be in the instructor. I spend a lot of my time in this library down the hall, one of the great services we have as members of the Legislature. I don't see many people in that library, morning, noon or night—wonderful people, wonderful resources. I don't see very many people in that library, in those stacks, in those reading rooms.

You know what? Our experience is very typical of modern Canada and modern America. Yes, we have work to do and nothing is more important than our public school system. Duff Roblin, the former Premier of Manitoba, has just written a book, a memoir. I recommend it to you. One of the most interesting things about Roblin's long life in politics is his conclusion that no responsibility is greater than the public schools and nothing is more important in those schools than respect for a professional and dedicated teaching profession. That's the situation that I think Mike Harris is undermining in a serious and destructive way these days in Ontario.

The Acting Speaker: It being just past 9:30 of the clock, this House stands adjourned until tomorrow morning at 10 of the clock.

The House adjourned at 2130.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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No. 61

N° 61

ISSN 1180-2987

**Legislative Assembly
of Ontario**
First Session, 37th Parliament

**Assemblée législative
de l'Ontario**
Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 18 May 2000

Jeudi 18 mai 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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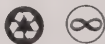
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 18 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 18 mai 2000

The House met at 1000.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

RAVES ACT, 2000

LOI DE 2000 SUR LES RAVES

Mrs Pupatello moved second reading of the following bill:

Bill 73, An Act to promote public peace and safety by regulating late-night dance events / Projet de loi 73, Loi visant à promouvoir la paix et la sécurité publiques en réglementant les danses nocturnes.

Mrs Sandra Pupatello (Windsor West): I am very pleased to be debating Bill 73, the Raves Act, 2000. I want to give a little bit of background about how we came to be debating this bill in the House, talking about this bill in the Legislature, and how we came to require, in my view, regulation of raves.

Educators were telling me what they were seeing in the classrooms. This began last fall, in November. What they were seeing was excellent students suddenly missing classes on Mondays and Tuesdays on a regular basis, with grades crashing through the floor and kids sick all the time, not the typical kids who you might think might be involved in drugs but excellent athletes, excellent grade A students. What they realized was that these kids were raving all weekend and crashing on Mondays and Tuesdays.

What we did then was meet with a larger group of individuals—police authorities, the RCMP, the Windsor police, educators, guidance counsellors—and in that round table discussion we learned that this was not an isolated incident but rather was widespread in the school system and something that educators and police knew had to be dealt with.

What happened after that was quite interesting, because it drove me to my brief visit to a rave club to see for myself what I had heard that morning, which was quite a surprise to me and I think would be to most people my age and most parents of teenagers.

What we saw was that the use of ecstasy was widespread, and that the most frequent access point seemed to be raves. If they don't buy it at the rave, they are certainly using it in order to go to the rave. The raves are set up to enhance the experience and the physical effects

of the drug, so the lighting is dark, with strobe lighting and the beat of the techno music.

What we realized after launching a community task force to address the issue was that we needed to have two avenues of approach. One of them, and the most important, had to be education of students as to the dangers of ecstasy. There is a belief among young people that this drug is safe, and it simply is not. This drug has killed people. Number two, the rave itself has to be a regulated, safe venue and we, as legislators, have a responsibility to enact that.

On the first point, in terms of education, what this community task force did was launch a curriculum piece so that my Windsor board would have a video that is informational for students and parents. Students would take the video home, watch the video with their parents and do a follow-up exercise that would invoke a conversation among young people and their parents about what a rave is, what happens at a rave, what the drug ecstasy is and what other designer drugs are about these days.

What people, especially parents, will be surprised to learn is the kind of paraphernalia that is out there today, things like Pez dispensers and what they're used for, why it is that candy pacifiers are suddenly all the rage. The effect of the drug ecstasy often causes jaw clenching and young people will use pacifiers to stop that effect. Parents will also learn what the pills themselves look like.

The Deputy Speaker (Mr Bert Johnson): The member knows that isn't—

Mrs Pupatello: Thank you, Speaker. They have a "CK" emblem on them, for example, which represents Calvin Klein; "Mitsubishi," "Mercedes," stamped on the actual pill—

Interjections.

Mrs Pupatello: Excuse me, Speaker, but this a very important debate and I don't expect to be interrupted at this time.

These pills have insignias on them to attract young people to want to take them. They look like candy and the names of such drugs are "Seven of Diamonds," "The Butterfly," "McDonald's." Often they have comic characters on them so that they appeal to them. That in essence is the purpose of the education piece. But this is news to parents and they need to understand why these candies of old are suddenly new again and what their use is and why they are suddenly so popular. We don't imply

that young people who use these are necessarily taking the drug, but it certainly is current among those who are.

The other avenue that is just as necessary as the education of parents and young people is regulation. To that end, it brings us very much to this bill today and the purpose of it. This bill, the Raves Act, simply put, allows the holding of a rave once a permit has been issued. The bill allows municipalities to set conditions for which that permit would then be issued.

In response to the information we gathered, especially at the summit that was held in March of this year at the Toronto headquarters and attended widely by municipal administrators and police authorities from across the province, property owners would now be compelled to rent or lease their space for the purpose of a rave only once a permit had been issued. It also would allow police to lawfully enter the premises, ensuring that the conditions set for the permit are being met. Yes, it allows the police to respond as well if the conditions are not being met.

Let me say that in essence the bill provides similar authority to that which currently exists under the Liquor Licence Act. Raves don't have a liquor licence typically. They apply for no such liquor licence, then, and are not subject to those controls. Decades ago, in 1946 in fact, when the Liquor Control Act was struck, raves were not the issue, bars were, and governments responded at that time to set the conditions required for the lawful, safe drinking establishments we often have today. There was not a need for safety measures in venues for raves. Today there is. It is the government's responsibility to respond to what happens in the year 2000, and there are certainly raves going on today.

1010

Let me say unequivocally that we cannot ban raves. I cannot support the notion that we could ever ban raves. They happen. They are currently legal in our community. In fact, just because raves seem to be the greatest access point for ecstasy—if people were buying ecstasy at A&P parking lots, we would not be standing here today looking to ban A&Ps or the parking lots. What we would be doing is talking about how we have to make those venues safer.

The municipalities must be smart in how they choose to set the conditions for obtaining permits to hold a rave. All of us are going to be responsible if the raves are driven underground when people may choose to try to ban them. They will be a greater menace to young people than the dance outlets they are currently. It is important that we note that every generation has had its venue, and the older generations of those have thought they were crazy or, at a minimum, very different. We cannot ban this kind of expression for our young people.

This bill would allow raves. Municipalities might set conditions that they would only be held in certain geographic areas; for example, not in an industrial section of town where warehouses were never built for the purpose of housing thousands and thousands of young people, with little ventilation or not a minimum number of exits

in case there was a disaster. It also wouldn't allow for the kind of cooling system required after all the gyration to the techno music, which seems to be the thing at a rave.

A city might want to consider an age minimum. In terms of what I have seen, very young people, 12 and 13 years old, have been at these raves. We don't know why parents would have kids that young out all night. In my city, I spoke with parents who thought this was a very safe place to send their kids, because they knew it didn't have a liquor licence and frankly were not aware of what else was found on the premises. Parents might understand that if their children are old enough to drive a car, then they're old enough to be responsible, and an age limit might be something reasonable, if it were 16.

The level of security that exists at a rave, whether there is fire and ambulance available at the site in case there is an accident, the exits and the availability of drinking water are the kinds of things that likely would be fair conditions for a permit to be issued.

I have to say that I applaud the efforts of the local Toronto safe dance community. They have worked very hard to come up with a safe protocol. Their safe protocol for dances was adopted by my own city of Windsor, and it's the kind of protocol that has to be brought into legislation.

Has enough been done? I would say that not enough has been done, because they still are not safe places for young people. I feel this bill will go a long way toward making raves a safe place for our young people. I look forward to the debate today, and I especially look forward to support from all members of the House when it comes time to vote on the Raves Act.

Ms Marilyn Churley (Broadview-Greenwood): I'm going to say from the outset that I'm not supporting this bill today. I look around this chamber, and there are not a lot of us here, but, I see us and I think that many of us grew up in the 1960s and 1970s.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Yea.

Ms Churley: Yea. I remember. Many of us here—not all—grew up, and I remember, as a young person, going to love-ins and peace events and all kinds of things then. I remember very well, as a young woman, going to these events with thousands of other kids and, yes, there would be drugs around, and sour-faced, stern, uptight, middle-aged politicians coming on TV and trying to stop our fun.

When I say that, I will say right away that we should say no to kids taking drugs. I am not advocating that kids should be taking drugs, and we should do everything we can to educate kids and their parents about the use of drugs and how it can be harmful. We know some of those kids are taking ecstasy. That is a problem. I think one of the problems in our society is that we're set up in such a way as to say, "Drugs are bad; don't take them," when we know the kids are taking drugs. There needs to be widespread education. Just because Sandra Papatello or I stand up today and say, "Drugs are bad; don't take them," those kids aren't going to listen to us, and their parents have no control of them when they're out of the house.

Mr John O'Toole (Durham): So we just give up?

Ms Churley: No, we don't just give up. They need to be educated about what ecstasy is and what it does to them: If they take too much they get dehydrated, and they dance; they should be taking liquids. You have to deal with this realistically. I'm not advocating that they take drugs, but if they're taking them we have to educate them and let them make decisions based on the knowledge we give them.

To me, this bill is not about dealing with drugs; it's controlling raves. The municipality of Toronto at one point came up with a protocol. Working with kids who go to those raves was very good. Then the hysteria started. I see it as an attack on young people. There's this absolute hysteria around raves. What we should be dealing with here are drugs and the drug dealers. That is the big issue here.

Raves should not be dealt with in terms of law and order. They should be dealt with in terms of—what's used at city hall is "harm reduction model." I think the kids don't like that term, but we want to make our kids safe. I have no problem with that, and most of the criteria in this bill I have no problem with. But listen to the way raves—raves aren't even mentioned here. Listen to the way the events are described here.

"Rave" means an event with all of the following attributes:

"1. Any part of the event occurs between 2 a.m. and 6:00 a.m.

"2. People must pay money or give some other consideration to participate in the event.

"3. The primary activity at the event is dancing by the participants.

"4. The event does not take place in a private dwelling."

For heaven's sakes, that definition could apply to a late-night Greek event in my riding. We dance all night sometimes.

There's a real problem with the definition here, and I could see some municipalities who do want to crack down on kids having fun using this not to license anything. It's a real problem.

Let me be clear on this: These kids should not be doing drugs. And let me be clear in that I am saying that everything that we can do as a society to prevent the harm that comes from doing drugs should be done. But I do not believe that this bill before us today deals with that adequately. I believe the city of Toronto in particular had set up a really good protocol, working directly with the kids, that until this hysteria came out was working quite well. We don't want to drive these things underground and we don't want some municipalities telling kids that they can't have fun. I believe this bill can lead to that.

Speaking of the 1960s, it reminds me of a song. I'm going to quote Bob Dylan. It's from Highway 61 Revisited. The line is: "You know something's happening, but you don't what it is, do you, Ms Pupatello?" Of course the real line was, "Do you, Mr Jones?"

I believe these kinds of problems have to be worked out with the young people who are involved in it. There are thousands of well-intentioned, good kids who go to those raves, and they feel like they're being attacked by politicians in general these days.

I started off by saying that many of us come from the 1960s. I'm wondering how many people here could say honestly that they didn't experiment with drugs in the 1960s and 1970s.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I didn't.

Ms Churley: Well, you're too young.

Young people tend to do that. I'll say again that we have to do everything we can to educate kids and prevent them from taking drugs. But our standing up and saying, "Don't do it, it's bad," is not going to stop them.

So what I would like to see happen is for the hysteria to be toned down, for us to get together with these kids to set up, as the city of Toronto has done, protocols around how these raves can happen in a safe and appropriate way. I don't believe we should be dealing with it in this way, in a law-and-order way, but to sit down with the kids and work out protocols and also to concentrate and focus more on drug education.

1020

I believe that can be done, so I'm not supporting this bill today. I'd be happy to talk with the member and others who are interested in sitting down with the young people and coming up with ideas of how we can work with the municipalities in such a way that these raves can happen in a safe environment where kids do not feel like they're once again under attack by middle-aged, sour-faced politicians who don't know what we're talking about. I think we need to dialogue with them a lot more before we start passing these kinds of bills.

I'll finish by saying that I believe the municipalities should be involved in making sure that these kids are in safe places, but we shouldn't be approaching it in this law and order way. Again I come back to this section which could involve a lot more than thousands of kids at a rave.

Mr O'Toole: It's my pleasure to share my time this morning. As the parliamentary assistant to the minister, I spent a lot of time looking at this issue. I want to put a few remarks on the record.

You have to look at what the government is doing today. Starting back in March when this had come to have more currency as an issue in the media—it was March 14—Minister Runciman convened a sort of symposium of stakeholders in dealing with the issue. I commend Minister Runciman, a former Solicitor General, for trying to bring some order to it under his ministry. Of course, the ministry deals with the Alcohol and Gaming Commission of Ontario, and also the alcohol acts. They brought together local police and law enforcement agencies and other jurisdictions to work in a co-operative framework. That's what happened, and from that a report is expected back by the end of May, a coordinated

enforcement strategy, to deal with it. So I think that's one point that should be on the record.

Of course, it has a lot of currency in the media today with the inquest that's going on, the sad situation with a young person succumbing to ecstasy, or just the whole idea of an environment that's not appropriately safe for young people.

The minister's position on it: The member from Windsor West has the right sentiments, certainly, but I think there are some inherent flaws in the legislation, and some of the members may point that out. I don't think the bill goes quite far enough. In some respects there are legislative reference points or information or laws today that could be enforced through the Municipal Act and other acts.

I've got some comments that I want to put on the record.

I understand the Ministry of Municipal Affairs and Housing has reviewed the bill and I would be interested to hear the analysis of how Bill 73's requirements for municipalities compares with enabling powers that municipalities currently have to establish by-laws. While this specific bill addresses the potential role of municipalities in regulating raves, there's much more that could be looked at to prevent illegal activities from occurring at raves. I believe that ultimately an interdisciplinary approach in dealing with the issue is demanded. As I said before, the minister is working with that coordinated strategy approach.

There are parts of Bill 73 that touch on areas that are the responsibility of the Attorney General and the Solicitor General, and again, I would like to hear their analysis of how Bill 73 compares to the existing powers of police and fire services.

The only provisions of Bill 73 that relate to the specifics of the legislative responsibilities of the Ministry of Consumer and Commercial Relations are referenced in subsection 2(3) of the Liquor Licensing Act, LLA. This measure would oblige the municipalities when considering the approval of a rave to liaise with the Alcohol and Gaming Commission of Ontario and is consistent with the minister's interdisciplinary co-operative enforcement initiatives that are already underway. I expect I can say that the minister will bring forward a much more mature and well-developed legislative piece in the fall. Haste often creates bad legislation.

On March 14, the Minister of Consumer and Commercial Relations, with his colleague the Solicitor General, convened a meeting, as I've said before. The purpose of this meeting was to discuss how the many organizations could use their enforcement powers in a coordinated manner to crack down on illegal drugs and unlawful activities at various venues, parties and raves. Of course, it doesn't quite go far enough in the definition of raves, after-hours clubs and other kind of convened events that we've heard in the news constitute a safety hazard and a danger to our communities.

I'm going to try and save as much time for the member as I can, because he certainly is an expert,

having worked 20 years in the addiction area. He has a lot more to add on the lack.

I think it would suffice to say that in a general sense I don't think the ministry has any problem with the bill, except to say that it's not strong enough, doesn't go far enough, doesn't address some of the enforcement issues that already exist in current legislation.

I sincerely appreciate the perspective that the member for Broadview-Greenwood has brought to it, saying that every generation has its little venue for acting out. This has probably gone too far and the reason for that is the drug part of it. That's really a significant issue, and I suspect the member for Windsor West has been watching the rave scene and the after-hours scene very closely.

Mrs Pupatello: Not personally.

Mr O'Toole: Well, not personally, but I'm saying from a legislative perspective. I applaud her for bringing this to the media and to their attention.

This is the concluding remark on behalf of the Solicitor General and on behalf of our Minister of Consumer and Commercial Relations: Safe communities are the focus of this whole debate. We're for safe communities. You can count on us to be there and have the right laws in the right place at the right time.

Mr Michael Bryant (St Paul's): Let me begin by congratulating the member for Windsor West for not only bringing forth this legislation, not only undertaking the education campaign that is represented by the videos that are being distributed across the province, but also for rolling up her sleeves and quite literally getting down into the trenches to find out about this important issue in this province.

She went to a rave. How many members are willing to go that extra mile to find out what's actually happening, as opposed to simply reading it in the newspaper? I congratulate the member for doing that and for bringing forth legislation, yet again on this side of the House, before anything has been brought forward by the government. This is an important issue which is the subject of an inquest. I understood by the comments from the member for Durham that the government supports the intention of the bill, and I would encourage members on the other side of the House to take that into account as they consider whether or not to support the bill.

This is an important issue in the city in which I am an MPP. The issue of raves is such that, frankly, ecstasy is the number one street drug in the city of Toronto right now. Ecstasy kills. It has killed nearly a dozen people in the province. It is the subject of an inquest, the Allan Ho inquest, which is ongoing. Anybody who thinks this drug is simply a feel-good drug needs to roll up their sleeves and find out what the drug is all about, as the member for Windsor West has done.

Let me also say that this approach, unlike what we heard from the member for Broadview-Greenwood, is not a ham-handed approach. In fact, this is an approach which recognizes the fact that you cannot simply ban raves and hope they go away. How do I know that? To begin with, we know from an expert who testified before

the Allan Ho inquest by the name of Trinka Porrata that: "You can't make it go away," in her words, "by just saying, 'No more raves.' That's not the solution." That was her experience based on setting forth anti-rave legislation in the state of California.

When I was teaching at a law school in England—King's College, London—we had at the time to go over the Tory legislation that dealt with raves. They defined the throbbing, beating music that was outlawed and not permitted in open spaces. Of course it was impossible to enforce it and therefore raves continued to thrive.

1030

The problem here, again, is not the music and not the gathering; it's the drugs. Chief Fantino has said that the problem for him is not the raves; it's the drugs. He said at a recent community meeting, "My whole concern is pervasive drug use and the drug dealers that converge on these venues."

So this approach is not the ham-handed approach which just says, "Let's ban it and hope the talk-show circuit says we're taking it seriously," but then really has no effect whatsoever. It's not the approach, for example, that this government took with respect to the squeeze bill. Instead, it recognizes that we have to give municipalities the power to control these, and we need to set forth limits. On this point, I respectfully diverge from the member for Broadview-Greenwood. Yes, we need to work with those who are attending raves to set forth protocols. But if we have a drug epidemic at these parties, it's our job as legislators to bring forth legislation that will regulate raves, set forth sanctions for those who misuse the venues, set forth sanctions for those who are trying to exploit those attending the venues and, in addition to that, led by the member for Windsor West, undertake an education campaign.

I'm going to support this bill, because I and the Ontario Liberals take this issue very seriously. More people will die if we don't do something about the ecstasy epidemic taking place in our province through raves, and so I will be supporting this bill.

The Deputy Speaker: Further debate. The Chair recognizes the member for Niagara Centre.

Mr Peter Kormos (Niagara Centre): As it's called now, Speaker. It used to be Welland-Thorold. It could have been named Welland-Thorold-Pelham-St Catharines, but that would have created one of those lengthy riding names that Speakers would have forgotten too readily.

In any event, I'm listening and anxious to listen. I've got to tell you, I don't purport to speak for the whole NDP caucus here.

Mr Joseph Spina (Brampton Centre): You never did, Peter.

Mr Kormos: You're right. But I've not been afraid to take positions alone, without following the herd, without relying upon directions from above—not from God, but from mere party leaders.

I have real concerns about the legislation, and I'm going to tell you why. I've read the legislation. I've never

been to a rave. I haven't. Unlike Tory members who look aghast, who clearly have more familiarity with these events than I do, I've never been to a rave. I suspect that if we were to go to a rave, most of us would see a huge exodus of young people who were in possession of ecstasy from the dance floor to the washrooms, and all the toilets would flush simultaneously. If most of us were to go to a rave, we'd be marked as undercover cops in a New York minute. Some undercover, huh?

The issue here is the focus on the drug ecstasy. Again, I'm familiar with ecstasy only to the extent that I've read about it in the newspapers. Reference was made to the coroner's inquest that's taking place right now, a not inappropriate reference. Really, shouldn't we be awaiting the recommendations of that jury? Shouldn't we be using that as the starting point for consideration? It has available to it an array of expertise, a list of witnesses, obviously resulting from the tragic death of a young person here in the province. But why are we having an expensive coroner's inquest if we aren't prepared to await the results of that inquest and let that jury assess the evidence that was put before it and fulfill its obligations; to wit, make its recommendations?

It's clear that these things, these raves where young people get together and dance through the night, are incredibly popular, not just here in Toronto but across the province and internationally. I've got no quarrel with the proposition of young people getting together and dancing through the night. God bless. My problem is, at 2 am I want to be at home in bed. I simply don't have the physical endurance to pull it off. I suspect that if I were 16 or 17 in the year 2000, I'd be there in the thick of things, because I know where I was when I was 16 and 17 back in the 1960s and into the early 1970s.

Interjections.

Mr Kormos: Come on. We're all suited up and shorn here, but I know some of you were there too.

I've got a copy of an e-mail from Jacques Chamberland of Toronto to my colleague Mr Marchese. As a resident of Mr Marchese's riding, he expressed great concern about this legislation. He was concerned that it wasn't initiated with sufficient consultation not only with the young people—who, as is their right as part of their youth culture, go to raves and dance and interact with other young people, share time with their peers—but with any number of organizations that have begun to address the issue of safety at these events.

What causes me concern about the bill is that it focuses on these so-called raves. Shouldn't any public event that attracts huge numbers of people be subject to certain standards and regulations to guarantee the safety of the people participating in that event, whether it's a youth event, where ecstasy might be the drug of choice, or an adult event, where alcohol might be the drug of choice? I know the reference is to the Liquor Licence Act, which permits police to get into bars, taverns and other licensed places—a hall that's licensed for the evening for an event—and I appreciate that the author of

the bill is trying to replicate that authority in this instance.

I've got to tell you that I was so pleased to see the bust at Toronto airport just a day ago, where huge quantities of this drug, ecstasy, were seized. And I agree with Chief Fantino as well when he says it's not the dancing and not the rave; it's the drugs. Jacques Chamberland talks about the eagerness of himself and others, like the Toronto Dance Safety Committee, to get involved in the process of developing health and safety standards for raves. So I am going to join with my colleague Ms Churley in not supporting this legislation, because I think we're jumping the gun. It's premature to do it without awaiting the results of the coroner's inquest and the recommendations they make.

I appreciate it's a private member's bill, and a private member doesn't have the power to force a committee hearing before second reading. I suspect the bill is going to pass, and I look forward to the committee hearings. I trust they will be as thorough and as consultative as possible, but I really want to re-address the matter of where the focus ought to be. This smacks to some people of the reefer madness, the "rock and roll causes"—I don't know what it caused—

Ms Churley: Bad things, horrible things.

Mr Kormos: —"bad things to happen," that young people dancing through the night is somehow inherently bad. It's the drugs, not the dancing.

Mr Barrett: For years and years people have been trying to explain why young people behave differently than adults, and as MPPs, we're all adults here.

Interjections.

Mr Barrett: We may not totally understand what's going on, but there is some research that may help us better understand this phenomenon and the motivations for those who attend. We know raves have been popular for the last 10 years or so, but much of this is not new. Ontario, as has been pointed out, has been dealing with drug use since the 1960s. The drug ecstasy was first synthesized in 1914, so we have some experience with this drug. My point with respect to this drug and raves is we should not reinvent the wheel.

1040

I want to draw on some work presented by Timothy Weber, Ed Adlaf and Bob Mann with the Centre for Addiction and Mental Health. Raving evolved in the mid-1980s in locations like Manchester, England; Detroit and Chicago. Listening to music or dancing, as we know, has always been a significant part of adolescence and young adulthood. The rave scene, again as we know from the media, has been around since the early 1990s. There are about 10,000 individuals who would identify themselves as ravers in the Toronto area. There has been a lot of media scrutiny as of late due to the occurrences of ecstasy-linked deaths here and there around the world. Deaths linked to the use of ecstasy, which is also known as MDMA, are usually associated with the drug's ability to increase perspiration as well as heart rate. In most

cases, death is the result of heat stroke. It is not necessarily linked to the toxic effects of the drug itself.

I mentioned that ecstasy has been around since 1914. It's a synthetic amphetamine. It was used as an appetite suppressant, and in the 1970s a number of psychotherapists in the United States used it as a supplement to treatment. In the 1970s and 1980s, MDMA became a recreational drug, and more recently has taken on the moniker of "ecstasy." It is a restricted drug here in Canada, referred to as a designer drug because it's produced through chemical synthesis, mostly through underground labs. I want to stress there's no medical use for this particular pharmaceutical.

Research reports that almost a third of students in Ontario have attended a rave at least once in their lifetime, or know a friend who has. Overall, 18% reported going to a rave in the last year. The drugs most commonly observed being used are marijuana, LSD and other psychedelics as well as ecstasy. Many attendees across Ontario are also involved in bush parties, something of concern in my rural riding of Haldimand-Norfolk. Despite the stereotype of rave attendees being involved heavily in drugs, it is noted that 51% of bush party attendees and 70% of rave attendees do not use drugs. They use none of the nine drugs that they were queried on in the survey. Some 1.8% of students in Ontario have used ecstasy.

Raves are not a regular or a dominant recreational activity. Bush parties are much more popular, with twice as many people attending these events. Drinking and driving is prevalent at bush parties, and we all know drinking is responsible for a large number of deaths among young people. In Ontario, nearly 75% of all deaths in the 15 to 19 age category are due to accidental or violent causes. Typically, 30% to 50% of these involve alcohol, not ecstasy. I just want to put some of this in perspective.

There are organizational requirements for hosting a rave party of, say, 1,000 people or more. There's the risk of intervention by the police. This has forced most rave promoters in the Toronto area to lease venues for these functions. This shift to legal space has helped to ensure that raves have become safer over time. Mel Lastman was quoted in the Toronto Star saying there's no need to ban legal raves: "If we can put these under a controlled atmosphere, maybe they'll be safe." It's no secret that ecstasy, cocaine, crack, marijuana and other drugs are sold at these events, but no one has been killed or seriously injured at a city-sanctioned rave. Underground raves are much more dangerous, and that's the tragic lesson coming out of the inquest into the death of Allan Ho, a Ryerson student who was using ecstasy in a parking garage last year. By suspending legal raves, we could well be driving kids into places like parking garages and underground warehouses, places that lack the kind of supervision that I feel is required.

The Toronto Star article which quoted Mayor Lastman also talked about holding raves at smaller, more manageable facilities, increasing police presence at these events,

and, most importantly, enforcing strict age limits. Smaller raves would make things safer and more manageable for undercover officers. I also think common sense would tell us that 12-year-olds don't belong at these kinds of events.

Control efforts, in my view, should focus on training security personnel to recognize the paraphernalia and improve search methods to ensure they seriously attempt to keep drugs out. I believe the implementation of harm-reduction strategies is appropriate. It's the right thing to aim for.

Ensuring there is access to water, less humidity, and cooler temperatures within the facility are things that are necessary where these events are held. Some people attending these parties complain of very unsanitary conditions. Testing drugs for purity is also a good idea.

It's unfortunate that some people are drawn to raves only because of the drugs. Just as earlier generations of drug users were attracted to concerts, experienced drug users are attracted to raves. Apparently the environment at raves is friendly. There are fewer fights than in after-hours clubs or bush parties, and a lack of aggression, behaviour normally attributed to the use of alcohol. Handguns and knives are not part of the scene at raves.

Ravers around the world have gained much of their notoriety because of their reported use of illicit drugs. However, some have said the media have painted somewhat of a false picture. The media have romanticized drug use at raves and perhaps encouraged the use. Although ecstasy has received much of the media attention, rave attendees report that the drug of choice at these parties is marijuana. Many of the young people who were questioned regarding raves stated that those who go to the parties only to use drugs are acting inappropriately.

While many people now seem to be clamouring to get on the record calling for a crackdown on raves, they are merely following in the footsteps of the strong leadership already shown on this issue by our minister, Bob Runciman. It was Minister Runciman's initiative to convene a rave summit this year which brought together community partners to explore ways to use existing enforcement options to coordinate a crackdown on illegal drug use. This is in the spirit of our Blueprint and throne speech commitments to revoke liquor licences or business permits of establishments where it can be shown that drugs are being habitually used or sold. We look forward to the recommendations that will follow from the inquest that has been mentioned today.

As for parents, parents must educate themselves. They must get involved in their children's lives. We cannot be our child's friend; we have to be their parent and understand it's OK to say no. It's also vital to be a role model and be careful not to send a double-standard message.

An all-out ban will not stop raves. It will make the problems associated with them worse by forcing teens underground. I lament the reactionary forces, the media, for sensationalizing this issue. We've been through this

issue before with rock concerts, bush parties—just in different time periods and with different drugs of choice.

What is important is that we work for a safer venue. The bill we're discussing today may do something. I appreciate the intention of this bill, but it's important to go beyond this to look at education, information and enforcement.

Mr Bruce Crozier (Essex): I want to add to the comments of the member for Broadview-Greenwood that growing up in the 1940s and 1950s wasn't all that bad either, and we had our fun.

I want to make a couple of points today, in the few minutes that I have, in support of the bill of my colleague from Windsor West. She has done a great deal of work in the development of this bill to bring along with it the educational aspect. As was mentioned in her opening remarks, a video has been produced called *Dancing in the Dark*. She has had a lot of assistance in that. There have been corporate sponsors. Parents and students have been involved in the exercise to bring about this video, that we might all have the opportunity to understand what we're talking about this morning and why we should, I think, support Bill 73.

1050

The video features interviews with undercover police officers and uniformed officers who understand this problem in our community. There are teens in this video who have tried the drug, and we hear about their experience. Educators have given input to this video, as well as the deputy chief coroner of the province. The idea behind this support for the bill is that this video will be taken home, and students and parents will sit down and view the video and talk about the ramifications of these raves that, when combined with the drug ecstasy, can be deadly.

Yes, there is going to be a coroner's inquest into a death from ecstasy at a rave, but there have been 13 deaths in the very recent past. Just yesterday we learned that 170,000 of these ecstasy pills were intercepted at Toronto international airport. They had a street value of \$5 million. Notwithstanding what their cost might be, it's the result of the availability of these pills and their use and what it might lead to—so I think the educational part of this has been addressed very well by the member for Windsor West.

As far as the bill itself and some of the regulations, some of the requirements that are in that bill are concerned, I support them. I'm a past municipal councillor, like some others in this Legislature, and I think the municipalities know best those venues in which these types of rave dances can be held.

Mr O'Toole: Allan Rock would legalize marijuana. It reduces stress.

The Deputy Speaker: Member for Durham, come to order.

Mr Crozier: The member for Windsor West isn't trying to prevent these raves, isn't trying to tell young people they shouldn't attend them. In fact I think, in co-operation with community officials, they can be even

better. The venues can be better chosen. It won't be left up to the cheapest and the most available venue. It'll require that permits be issued where the venue can be supervised, where it can be an appropriate facility for the size of the group there might be, where there might be appropriate washroom facilities, if nothing else, available. Water was mentioned, because there's a certain amount of exhaustion, I understand, that goes along with these dances, and I think in particular of the safety aspect of the venue itself, the number of exits that are available. I'm not so sure that it's happened here, but we've heard of events going on around the world where people were literally trampled because there was panic due to fire or some other sudden happening. I think municipalities can play a very important role in helping our young people enjoy their young life and the experiences that growing up brings with it. I don't see anything in this bill that would inhibit the holding of safe, fun raves and I certainly want to support my colleague from Windsor West in bringing this bill forward.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to rise and support my colleague from Windsor West in her bill and to say that I've listened to all of the debate this morning on this matter. I must say again I'm a bit constrained in some of my observations because I don't have children. It's been a while since I was a teenager, obviously, but I was absolutely appalled a few months ago when my colleague Mrs Pupatello came to talk to me about what she'd encountered in Windsor. I knew nothing of raves, and I know in many respects I am naive, but I am absolutely appalled at what I've heard from her and from some others.

Yes, we've all been adolescents, and in my days in the Ottawa Valley it was beer and wine and booze. I want to say that over the course of 25 and 30 years, thanks to some very forward-looking direction and leadership from governments provincial and national, and educational authorities and community groups, we've made some very real progress. Attitudes have changed. I grew up in a community where if you were a 16- or 17-year-old male and you weren't driving around town in the mid-1950s listening to Elvis with a brown stubby as you drove the car, there was something wrong with you. That's changed, and it's changed for the good.

Mrs Pupatello described a snakepit of transparent illegality in Windsor. Listen, we should be damned well concerned: 14- and 15- and 16-year-old kids, middle-class kids, being driven by their unsuspecting parents to the doorstep of these pits where they are ingesting this love hug, bug, or whatever the hell ecstasy is called. I mean, we laugh. We laugh.

We're debating in this House right now Bill 74 about education and about authority and accountability. Can you imagine being a principal or a teacher in a high school in Windsor or Toronto or Ottawa or Hamilton and these 14- and 15- and 16-year-old middle-class, upscale, bright kids have been out loving and hugging with ecstasy for 72 hours, and they show up at the school door

at 8:30 on a Monday morning? I'm amazed that the roof is still on the school and the windows are still in place. We are talking about, oftentimes, the bright, upscale, upper-middle-class kids, 15 and 16 and 17. Ecstasy is one hell of a long way from beer and cheap wine, and we ought to be really concerned about this if any of the stories I hear are true.

We spent a lot of time worrying about squeegee kids, and maybe we should be worried about squeegee kids, but I'm one heck of a lot less worried about squeegee kids than the world that Mrs Pupatello reported from her visit in Windsor a few months ago. I talked to a high school social worker in my area, little old Pembroke. She was describing a situation where one of her kids went off to something in Ottawa a few months ago, and I couldn't believe my ears. I know I'm naive and I know there are no easy answers, but we'd better understand, folks, that this is a very serious disintegration of the social foundation of this community, if it's fairly reported.

I see my friend from Riverdale saying, you know, "Oh, he's overstating it." Well, maybe I am. I observe this: We lost the battle with tobacco and young kids. Somehow in the last 15 years we've lost the battle with tobacco. I've walked the same walks at the University of Toronto for 25 years, and you know what I've noticed? In the last five years, all those bright kids going to Vic and St Mike's are smoking, the young girls much more than the young guys. I am really disturbed that we've lost that battle with tobacco. We know that we are watching the creation of an epidemic of lung cancer and heart disease five and 10 and 15 years down the road. We've lost that fight with those young kids, the best and brightest across the way at the U of T.

Now I'm told by people like Mrs Pupatello, "Well, you should come to Windsor, or go to Hamilton, or go to Toronto, and see what's going on": 14- and 15- and 16-year-old kids, many of them very bright, upscale, middle-class kids, being driven by their naive parents to the doorstep of these illegal snakepits to spend hours and days hooked on this thing called ecstasy. Let me tell you, we ought to be worried, and as a minimum we ought to be passing Mrs Pupatello's bill.

The Deputy Speaker: The member for Windsor West has two minutes to reply.

Mrs Pupatello: Thank you so much. I appreciate all the comments that we heard today. It enforces for me personally that apparently for some of the members I look a lot older than I am. I haven't hit middle age yet, but I can tell you that it is easy to say, "Let kids have fun." It is hard to bring forward an issue that is controversial that the current largest city in the nation has decided to ban: raves. That in my view is stupid. That is not the answer. What is difficult is for the Legislature to stand up momentarily and vote in favour of the bill so that we can move the bill to committee, where we can determine that it has an appropriate definition of a rave, where we can determine what regulations have to attend the bill so that municipalities will set the right conditions in order to host a rave. Because what I have said clearly

is that we cannot ban raves. We cannot allow kids to not have a place to go, because their intent is always to go, dance all night. I've danced all night. I am not a stodgy, grumpy old politician coming in this House saying, "Kids can't have fun." I'll try to rival my stories with the NDP caucus members. I don't think I'll win. However, I am telling you that it is easy to sit back and say, "We're making a big deal about this." What I have seen with my eyes, as has been illustrated by other members of this House, is something that parents must be concerned about. The parents in my riding of Windsor West have been surprised to know things they just didn't know. If anything, in my riding we have come to a higher level of awareness about the drug ecstasy, the date rape drug, why kids are using pacifiers—because the drugs make you clench your teeth. I beg you, vote in favour of this bill. We need to have this bill at committee.

1100

TEACHER TESTING

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I move that the Legislative Assembly of Ontario,

(a) believes that the quality of Ontario's teachers is vital to the quality of our education system and the future of our children;

(b) recognizes that in a rapidly changing world, teachers need to keep their skills, training and knowledge up to date;

(c) supports a mandatory program of regular testing and recertification for all teachers throughout their careers.

On behalf of my constituents in Bramalea-Gore-Malton-Springdale, I'm pleased to be able to begin the debate on the issue of testing for Ontario's teachers. Quality education depends entirely upon quality teaching. It is a fact that no amount of technology or textbooks or computers can match the importance of a skilled and knowledgeable teacher, yet we must ensure that our educators' skills and knowledge are always kept up to date to deal with our rapidly changing world. In the last election, Premier Mike Harris committed to the people of Ontario that he would institute teacher testing as part of his plan for quality education. I was very happy to run on that platform, and I see it as a contract with the people of Ontario, one that they voted for, and the government is bound to keep that promise.

We all know that the vast majority of Ontario's teachers are among the best in the world in their profession. Most Ontarians can remember teachers who opened up new worlds of discovery and learning in front of their eyes. Our teachers taught us the skills that let us move forward in our lives. Teachers prepared us for university or college; they prepared us for the working world; they gave us the level of knowledge needed to become good citizens; they reinforced the values taught to us by our parents and our families.

A good teacher makes all the difference in a young person's life. I can tell you that those who taught me are a large part of the reason I have the honour of sitting in this House today—teachers such as Sardar Gurdev Singh Dhaliwal, my math teacher; Mrs Nirwair Kaur, my English teacher; and Sardar Dalip Singh Gill, teacher and principal at the Government High School in Parao Mehna, Punjab. Today, Mr Gill teaches in Abbotsford, BC; Mr Dhaliwal teaches Punjabi at the Khalsa Community School in Brampton; and Mrs Kaur lives in Vancouver, from where she came to visit me after my election. Mr Dhaliwal and his son Nick Dhaliwal were a great help in my election campaign. When I came to Canada at the age of 17 as a young man, I was welcomed by my new teachers, such as Mr Trotz, who taught me English, and Mr Roos, who taught chemistry at my new school, Parkdale Collegiate in Toronto. To all of them I give my thanks.

Nothing can replace teachers who are committed to their jobs and who care that the students they teach are learning to the best of their abilities. I'm certain that everyone here is committed to ensuring that the best teachers in our schools are supported and that all teachers raise their skills and knowledge to the highest level. We owe it to our children and to future generations to do no less.

Parents in my riding have told me they are concerned about how we can keep up with the ever-increasing technology available in our society. In many cases, our own children seem to have a better grasp of computers and the Internet than we do. Teachers, as well, must be able to respond to students who may be more technologically advanced than they are. Technology, however, is only one component of the challenge we face.

During the last five years, the Mike Harris government has made a number of vital changes to improve quality education across the province: standardized testing for students and standard report cards that parents can actually read and understand; a clear funding formula based on enrolment and students' needs, which has defined, increased and protected classroom spending.

We have strengthened the focus on learning through curriculum changes and established school councils to increase parental involvement in their children's learning. Testing teachers is simply a complement to these other reforms, to provide quality assurance at another level. Ontario's teaching profession must have the most up-to-date knowledge, skills and training.

Quality in education is not something that should be determined from the top down. It has to come from the parents of each child in Ontario's schools. The only satisfactory measure of a successful system is what a student has learned and how able they are to succeed in the world. Testing teachers will not give us this answer, but it will increase the likelihood of success from the very beginning.

Testing should encompass both new teachers entering the profession and those who have been teaching for a number of years. A high level of ability and knowledge

must be a prerequisite to become a teacher, but it isn't enough just to test to become a teacher. We must maintain the highest standards for teachers all the way through the system.

A teacher who cannot meet high standards of quality should not be teaching children. A child's education is more important than any individual's job, teachers' union contract or school board plan. Parents should feel confident that when they send their children off to school, they're getting the best education in the world. Anything less is unacceptable.

Testing must be done in such a way that all concerned have confidence in the results. We need to know that all areas in Ontario are benefiting from the same high standards of quality. Government, parents and teachers must establish performance standards with only the interests of students in mind. Collective agreements and bureaucratic policies must not be allowed to interfere.

Teacher testing is not a concept that is restricted to Ontario or even to the teaching profession. People in many different occupations today have a variety of entry requirements, standards for professional development, ongoing assessment and accountability practices. Expectations for quality and excellence have to be met in all kinds of private sector jobs, as well as those in professions, such as law and medicine.

The Ontario College of Physicians and Surgeons, for example, has a peer assessment program that all doctors practising in Ontario must participate in every five to 10 years. The Royal College of Dental Surgeons of Ontario requires dentists to complete a mandatory program of professional development over a three-year period.

I would say that quality in education is more important than in any other profession, matched only by the importance of quality in the medical profession.

Teachers in other countries are also being challenged to continually update their skills and knowledge. A majority of US states, for example, currently require professional development for certificate renewal. Countries such as Australia, England, France, New Zealand and the United States are focusing assessment programs both on new and established teachers. Across Canada, a number of provinces are also addressing the issue of quality teaching.

1110

Quality in education must be a joint goal for parents, teachers, school boards and governments. I call on all of those partners to work towards quality at every level. Testing is a vital part of this plan. We can see the results in the marks our kids get and the tests that students take. This tells us how we're doing at the end of the process. Teacher testing just lets us know more about the beginning of the process.

Since quality education is a direct result of the quality of our teachers, we need to have the best, brightest and most skilled and knowledgeable teachers all the way through the process. So I put this resolution forward and I expect, naturally, that everybody in the chamber will accept that and support it. Thank you.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I do stand in the chamber today, but not to support the resolution. I have very great concern about the resolution. I believe that the quality of Ontario's teachers is vital to the quality of our education system—I would never question that—but in no way would I ever support a mandatory program for teacher testing. Ontario Liberals want the best education for our students. That means the best teachers. But I don't believe this government has a plan to support teachers—only to bash them.

Those aren't only my words. I have a quote from an editorial in the Kingston Whig-Standard. It opens with, "If Ontario teachers were baby seals, Brigitte Bardot would have stepped in a long time ago to stop the clubbing by the Harris government." That's the way teacher tests are being viewed across the province.

I am the mother of four children, all students in the education system. I have been a school board trustee and chair of the school board, so I've had some regular contact with teachers over recent years. I know the quality of Ontario teachers first-hand. I know it because I've hired them, I've promoted them, I've negotiated with them, and I've always respected them. I have never questioned their commitment to our children.

When I think of my children and their achievements at school and the fine teachers they have had, if I were asked to describe what really makes a fine teacher, I think of the commitment of the teacher, the enthusiasm that teacher brings to the students in the classroom, the caring the teacher has for the children they see every day.

You can't test for those things, but you can kill those things within a teacher. Teachers can come to a school community fresh and bright and full of commitment and caring and enthusiasm, but when their professional abilities are continually questioned, to the point where they are required to be tested by the government, where they are not treated as professionals—the member who presented the resolution this morning talked about the dentists and their professional college that sets standards that dentists must meet every five years. I would just point out to the member that it's their professional college that has set these standards, not the government. This government is not treating teachers like professionals. You are not allowing their college to set the standards for them. You're treating them like employees. How unfortunate it is, because they truly are professionals with regard to ensuring that teachers are up to date in what's current in education.

In my experience as a school board trustee and chair, we used to have professional activity days, and it was the responsibility of school boards to ensure that new educational initiatives were the topic of professional activity days. But this government has changed that. They've removed that opportunity for teachers to come together collectively as professionals to benefit from those opportunities for professional development. Now, when you've taken that away, you tell them that's what you expect of them, which in my opinion is a great contra-

diction. You have a cabinet document that clearly shows that the government is knowingly undermining the College of Teachers' authority to regulate teachers. What is the purpose of the College of Teachers if it is not to address the professionalism of their members?

I have a fact sheet from the Ontario government with reaction to the new Ontario teacher testing. I was very disturbed when I read Cathy Cove, from Parent Network Ontario, who indicates:

"Evaluation benefits all partners in the education system. The traditional teacher evaluation process was not linked to student achievement. This new teacher testing program is a first and crucial step towards just that."

So am I to understand that it is the intention of this government, in introducing teacher testing, that their performance will be evaluated based on the success of their students? How totally inappropriate. How very little you know about the job of teachers and what makes a good one.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate of the resolution put forth by the member for Bramalea-Gore-Malton-Springdale, Raminder Gill—a very exceptional member, I may add. His resolution is basically this: He believes that the quality of Ontario's teachers is vital to the quality of our education system, that there are changes that teachers need to keep up with, with their skills, training and knowledge, and he supports a mandatory program of regular testing and recertification of all teachers throughout their careers.

What the ministry is trying to do, and in my role as parliamentary assistant to the Minister of Education, is set out a framework with respect to quality education, a framework for a comprehensive Ontario teacher testing program. There will be a plan of support. There obviously will be a model developed. But we wanted to set out what our expectations are so that we could stop any fearmongering that would be put forth by the opposition parties and deal with bashing of what they're talking about in terms of our educators. Quite frankly, I don't think they get it. The public wants standards with respect to education.

The program with respect to teacher testing has three key elements: First, beginning next fall, all teachers will have to be recertified every five years to show that they're up to date in their knowledge and skills. To be recertified, teachers will have to successfully complete a number of required courses, including written tests and other assessments.

Second, in the year 2001, all new teachers will have to pass a test before they can qualify to teach in Ontario. This will ensure they know the subjects they will be teaching. We'll also be introducing an induction program similar to an internship that will help new teachers develop good classroom management and teaching skills through coaching and support from more experienced colleagues. I can tell you that's something that is very positive. We do that in the legal profession, which I have

been a part of. Before you enter the profession, you certainly are put through testing and you are made to show that you can practise the profession of law; that induction program has served the legal profession well. I think it will serve the teaching profession well.

Third, by next fall we will establish new province-wide standards to ensure that all teachers are evaluated in the same consistent way across the province, because quite frankly that is not happening. That is something that I think parents expect and school boards will welcome with respect to setting standards in that area.

1120

We will also develop a new review process to determine if teachers who are not meeting the standards should have their certification removed. Under the new standards there will also be increased opportunities for parents and students to evaluate their teachers. All the stakeholders will have a role with respect to that evaluation. In addition, effective this June we will require that all teachers trained in a language other than English or French pass an oral and written language test before entering the teaching profession in Ontario. That to me is strictly common sense, what parents would expect to happen within the classroom.

So I can say that in terms of curriculum, parents expect and students need to have their teachers up to date with their curriculum. How can you assess that unless there are assessments, there are standards and there are practical examinations with respect to whether they're up to date with the curriculum they're expected to teach? And if they're expected to move into additional qualified courses, one would expect that they would be able to teach in those courses after having been assessed and having passed a test to be able to move up to the next level. That's something you expect in other professions, certainly if you're going to become more of a specialist or if you're going to be able to teach in another area or you're going to be able to advise and care for people in other areas. In the legal profession, if you wanted to be known as a specialist, you have to be assessed by your peers and you certainly have to have the experience to be able to move up to that level of what people expect.

This is not something that is not happening in other areas of the world. In the United Kingdom this is an area they have focused on as important, as a priority with respect to making sure their teachers are up to standard. Because if they're not, obviously because of the important role they play, our education level is not going to be up to standard and our students will suffer. That is something very important with respect to what we're trying to accomplish.

In closing, I don't accept what we've heard from the members opposite with respect to teacher testing, because we've set out a framework. We will work with the stakeholders in consultation as we put this together. There will be an approach. We've set out the steps of implementation, we've set up the approach in the three areas that we're looking for in terms of recertification of teachers, with respect to standards for all school boards

in assessing teachers, and new teachers having to pass tests and an induction program before they get into the classroom. I think it all makes common sense. I think it will all come together. Because what we're trying to achieve here is excellence in our education system and move beyond the rhetoric that we hear from the other side, the rhetoric we hear from the big unions, and deal with quality in education.

Mr Ernie Parsons (Prince Edward-Hastings): Back when I first graduated from university, I worked in a construction camp and I realized very quickly that one of the social behaviours that happens in the construction camp, and I would suggest in life, is that we picked out a scapegoat. There was someone in the camp who, no matter what they did, it was wrong. The rest of us were all united against this one particular individual, and when that individual left the construction field, we picked a new one. This government has picked teachers. Anything that's gone wrong in this province has been because of the teachers. Whether it be acid rain or global warming, somehow teachers are behind it and we need to get down to it.

We're now going to look at a testing method that will clearly define in some neat little formula—because the approach from this government is that everything is a neat little formula that we can fit people into and that way we can tell if they're a good teacher or not. I would suggest to you that with this neat little formula, Picasso would probably not be qualified to teach art in our system. We need to recognize that much of teaching is an art rather than a science and that it is a reflection of a teacher's ability to inspire, to turn people on to education, to make them interested in learning—not necessarily just the curriculum but to develop the love of learning.

I don't think we have a system in Ontario that we should be ashamed of. I had the pleasure, about a year and a half ago, of acting as a tour guide for a group of educators from Japan who were going around the province. I said to them: "Why are you looking at Ontario? We keep hearing through the media and through government ads that the other systems are better and Japan is the leading expert in education."

They said: "No, we're in dire straits in education. We need to see how you're doing it because we believe you're on the right track. Certainly," they said, "our test scores are higher, but we test only the top 10%. When we compare our top 10% with your top 10%, you're ahead of us. You test everyone. We test the top 10%."

I will not dispute that there are bad teachers—there is bad everything—but I think the majority of teachers are good. How do we decipher who is good and who is not? One of the best systems in the world has been parents. Parents are extremely responsive when they believe their child is not getting the education they should. In a local community, the parents then have the opportunity to talk to a school board, somebody they will see in the grocery store, someone they see on the street and convey it. There are teachers each and every year who leave the profession, but we're watching at the same time that the

powers of school boards for them to work with are being stripped.

I have no question that teachers require to be assessed. I would suggest that's happening now. When we hear about doctors and lawyers being assessed, I would note they're being assessed by their peers. This is radically different in that we're not recognizing the peer ability now through the principal, through colleagues, through a school board, to assess a teacher and respond directly to the parents.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have taught at the university, community college and high school levels. In every case, I was teaching in a system based on testing, a system that relied on testing to evaluate students to ensure they're receiving quality training and education. Regular testing was very important to monitor the skills and knowledge of my students, and regular testing is very important to ensure that our teachers are up to date in their profession.

Testing teachers may be a new initiative in Canada, but in other jurisdictions it's the norm, not the exception. Last year, when our government proposed teaching testing, I found that 23 US states test new teachers entering their school systems. In Texas and Pennsylvania, all new teachers will be required to renew their certification every five years through continuing education. In North Carolina, an existing teacher may be asked to do a recertification test if he or she has been identified as a poor performer in a poor-performing school.

Last year, we promised to implement a system of teacher testing in Ontario. Parents and students told us it was a good idea then, and a recent Angus Reid poll confirmed that 71% of people think teacher testing is a good idea now. Our plan will put these ideas, supported by both parents and students, into action.

I see in the Toronto Star there's support from others at the federal level: "Tom Long says he would like to take the Mike Harris education agenda—including teacher testing and obligatory extracurricular time—nationwide," not by spending money but through persuasion. Preston Manning as well has said that "a government led by him would always look to the provinces for fresh ideas."

"There is need for education reform," said Mr Manning."

Just to wrap up, we've come a long way in education since 1995. We have a new fair funding formula, steps to ensure that teachers spend more time in the classroom, a rigorous new curriculum, standardized report cards and increased parental involvement in education, but there's still much more to do.

For too long, education in this province has been focused on what is put into the system rather than what students are getting out. There has not been enough focus on results.

Mr James J. Bradley (St Catharines): There's a letter which I think best exemplifies what this bill is all about. It's to the Minister of Education from an individual who is a supervisor:

"Please be advised that upon the day Bill 74, the Education Accountability Act, 2000, receives royal assent, I intend to resign as supervisory officer of the Connell and Ponsford District School Area Board in the township of Pickle Lake, Ontario.

"I've been an educator since 1960, as a teacher, curriculum coordinator, principal, superintendent and director of education. I have been appalled at the indignities your government has cumulatively heaped upon education since 1995. I can, however, tolerate it no longer. I cannot, in good conscience, supervise the implementation of such a draconian piece of legislation as Bill 74."

1130

Interjection.

Mr Bradley: Quit using up my time.

Mr Tascona: On a point of order, Speaker: The member is not speaking to the resolution. Can you—

Mr Bradley: I am speaking to the resolution.

Mr Tascona: He's not speaking to it at all. He's speaking to Bill 74.

Mr Bradley: That's a waste of time.

Mr Tascona: He's not speaking to the resolution in front of the House. He's wasting the House's time.

The Deputy Speaker (Mr Bert Johnson): That is not a point of order.

Mr Bradley: Thank you, Mr Speaker. I know the member wants to use up my time because what I'm saying is searing the government on this particular issue.

This person, I think, is absolutely right. He says:

"History has given us a name for regimes where it is the practice to establish enforcers, demand reports, encourage covert reporting from the disgruntled or vindictive citizenry and punish those who do not abide by their rules: totalitarianism. Each of these features is present in Bill 74," which corresponds to what the member, in his resolution, wishes.

"As enforcers, elected boards of education are compelled to create enforcement plans and these must report to you. Of course, you have reserved the right to micro-manage or reject their plans. This is bad management. It is management without consultation or negotiation. It makes management subject to an arbitrary external authority that knows nothing of local conditions or demands.

"To add insult to injury, Bill 74 forbids the board as employer and the teachers as workers to collectively negotiate the terms and conditions of co-instructional duties. ... As if this is not enough ... Bill 74 encourages school councils or individual citizens to 'snitch' on boards or principals through a 'complaints' reporting mechanism when they believe trustees or administrators are not following your rules. This is the kind of behaviour Canadians have associated with the KGB or the Stasi and I simply must state my opposition to such unethical and reprehensible tactics."

He eventually says that as a long-time educator and supporter of the school system—here is an individual who is going to resign because of the kind of content that we find in the member's resolution.

The Deputy Speaker: Further debate. The Chair recognizes the member for Trinity-Spadina.

Mr Rosario Marchese (Trinity-Spadina): Thank you, Speaker. It's getting easier, eh?

I just want to speak forcefully against this resolution. I did so last night and the day before and I'm going to do it again. Speaker, have you seen this resolution before? Doesn't this resolution seem like overkill? As if the minister hasn't already dealt with this issue, we need a backbencher now to present it again under the guise of a resolution?

Mr Tascona: He's PA to the Minister of Labour.

Mr Peter Kormos (Niagara Centre): That's right. He makes an extra \$12,000. Instead of only \$78,000, he makes \$90,000. And he wants a salary increase.

Mr Marchese: Is that on the record?

So, this resolution: The minister talked about this just last week. What does this resolution say? "Believes that the quality of Ontario's teachers is vital to the quality of our education system ... recognizes that in a rapidly changing world, teachers need" to keep up with their skills.

Let me review this one at a time. First: "believes that the quality of Ontario teachers is vital" Who disagrees with that? But what's underlying that comment? What's the underlying politics? That teachers are incompetent. Is there any evidence to show that somehow the quality of teacher competence has gone down? There is none. There isn't any, except that this government says: "Oh no, quality is a problem. It's a serious crisis and we've got to fix it. And you know what? We need change."

Speaker, you're familiar with that because you're part of their caucus. "We need change." What kind of change? "It's irrelevant. Let us worry about the changes that need to be made, but change must be made because the quality of education is down." So we need to fix the crisis—orchestrated, abetted by the Tories.

Mr Snobelen started it when he said, "We need to create a crisis in education," and successfully it has been pursued very craftily by the other ministers, where each and every way, along every road we have a crisis created by the government that needs to be fixed by the government in order to get re-elected again.

Please, that's the political game. I know the game, except that the poor public watching this doesn't know the game. It's a serious political game for you guys. You are the most capable manipulators I have ever seen. I give you high grades for that. It's just that the public doesn't know. You've gone after teachers the way you went after welfare recipients. You have literally made teachers equivalent to welfare recipients, and I know my good buddy M. Baird, the minister, understands this very well.

If you do polling, what does polling reveal? It reveals that teachers are potential victims who can be victimized like welfare recipients. That's why you have Mr Baird, the minister, from time to time—every couple of months—going after welfare: just to remind the good public of Ontario that the system of welfare needs to be

fixed on an ongoing basis. These guys have done the same with the educational system. They started with boards of education. They started with bureaucracy. You understand that term "bureaucracy." It exists somewhere but, "We've got to chop it down because we could save billions in order to deal with the deficit." If we could only cut into the Tory bureaucracy, good God, we'd save billions indeed. No problem there; the problem is somewhere else.

We've got big government for everyone except the corporate sector; smaller government for the corporations by giving my money to them and big government for teachers because we need to fix the crisis, big government for welfare because we need to fix the crisis, big government for squeegee kids—poor squeegee kids. I can't help—bringing those poor squeegee kids back to—these people needed to clean the crime off our streets, the riffraff, the lowest of the low, the scum of the earth. We needed to clean them off with a bill—squeegee kids cleaning windows, making a poor couple of bucks to make ends meet. But not for these Tories.

We needed a bill to get tough on law and order. So we got tough government, big government for squeegee kids, for teachers, for welfare, for municipal government. And we have less government for whom, Speaker? You know, because you're in their caucus. For the corporations, for the money-makers, the guys who sit in front of the computers. The guys who sit in front of the computers say: "Oh, here's a couple of thousand I can make today, a quick buck. Good God, I can make \$10,000 today. Good God, \$20,000 tomorrow." These are the new millionaires we've had in the last 10 years, but they existed before. These guys want to give them a tax break. Up to \$100,000 they don't have to pay a cent. The money-makers, the paper-pushers, the paper economy people, the ones who don't need my money—these people say, "Yes, they deserve money from the taxpayer."

Interjections.

Mr Marchese: Less government for the taxpayer, more government for the teachers. Why? Oh, listen up. Come on, it's all connected. I'm connecting it for you. And you've got more government for the beleaguered teachers. You're taking the entrails out of the educational system, out of teachers, ripping them right out. Why? Because 50% of your public believes that doing that is good. And it feels good here viscerally; right here it feels good. You guys are good, very good. Our only hope is that part of that 50% of the population that supports this political, manipulative process catches up to it.

The Deputy Speaker: I don't think you want to use that word "manipulative" very often. I also want to remind the member that when I'm in this chair, I'm in nobody's caucus.

Mr Marchese: Speaker, did you say that "manipulative" is unacceptable to you? Is that what you said? I might as well just sit down and leave. We don't even have hearings any more because this government, in all its wisdom, says: "We don't need hearings any more. We can have one afternoon to deal with it." New Democrats

had four weeks of hearings on almost every bill; these people have one day of hearings on every bill, and then you come to me say "manipulative" is unacceptable in here. Come on. Please, Speaker. Honest to God, they're taking every little word that has any substance, any spice, and they're saying, "Oh, it's not good." What kind of words do you want me to use for them? Words that little children can understand? That's what I'm trying to do. You need peppery words to reach them—peppery, spicy, vinegary. You need that kind of stuff, right? How else do you reach Tories except through that acidic kind of flavour of the word? Please don't neutralize or sanitize what I am trying to say.

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The poor teachers, the next victims after the welfare recipients—I don't know who's left out there that these people haven't picked on, but it's getting bad. I heard the previous speaker talk about teacher testing. I don't know where he got his notes from. There is not one test that I am aware of or any research that we have done or that other people have done, including the College of Teachers, that shows a test has been implemented that is effective or useful. It's a wacky idea. Is that acceptable to you? It's wacko. It's nuts. It's stupid, and your minister and your government know it.

Mr Kormos: And it's manipulative.

Mr Marchese: Of course it manipulates the public's understanding or lack of understanding of the issue. That's what it's all about. That's why Tom Long is jumping on the bandwagon. He's saying: "Oh, I think Mike Harris has got a good one here. Let's test the teachers nationally." It's a stupid idea. Even the minister knows and admits as much. What the minister has now accomplished simultaneously is this: For the supporters who want teacher testing, she says, "Oh, yes, we did do it." For those who oppose teacher testing, she says, in response to the Liberal critic: "No, you haven't read the bill. It's not about that. Maybe there is a little bit of that, but it's about so much else." Simultaneously, this minister has been able to accomplish two things: (1) "Yes, we're testing"; (2) "No, we're not testing," and has it both ways. You guys are really good. You guys cut and the poor public doesn't know whether you're cutting or not.

Someone called in at the Mike Coren show last night while Peter Kormos, my buddy, was there, and this caller said: "By the way, the opposition says the government is cutting. The government says, 'No, we're not.'" The poor guy is saying, "Who is telling the truth?" He doesn't know.

Mr Kormos: I explained.

Mr Marchese: Peter explained. For those who watch the program, he explained, and it was a good answer. But you can't say these things: Who's telling the truth, who's not telling the truth? My answer is, go to the schools yourself; see and hear the stories.

Fundraising in the Catholic and public systems: Have you ever seen more fundraising for essential things than ever before? Have you ever seen it? People are fund-

raising for textbooks and computers. They're fundraising for essential things.

Mr Kormos: Bake sales.

Mr Marchese: Bake sales. That's what they used to do just for a couple of things, for some excursion or other, but now they're fundraising for essentials in a good economy, and they give \$1 billion away. Can you imagine what \$1 billion could do? Think of it. Open up the mind. Can you imagine what \$1 billion could do? They gave it away, the \$1-billion boondoggle. That's what it's all about, giving it away. Yet they're forcing poor parents of modest means to raise money. The rich ones won't have any problem raising their \$100,000. Poor people have now got to fundraise for essential stuff, basic stuff. Those kids up there know what it's about. You just have to go ask them. Don't come and ask me and believe me. Ask those students up there. You have squeezed education. You have taken the entrails out of the educational system. Think of it. Can you see it, Peter? The entrails ripped right out.

Interjection.

Mr Marchese: Quality, my foot. Every time you good taxpayer citizen of Ontario hear of quality, that they're fixing the system, that we need change, you've got a problem. Every time they say quality, think the opposite: They're destroying the system. Every time they question the competency of the teachers, question their motives. Question the political motivation behind it.

Look, Harris doesn't hate teachers; neither does Ecker. Harris was a teacher before.

Mr Kormos: Really?

Mr Marchese: Yes, he was.

Mr Kormos: For how long?

Mr Marchese: Irrelevant. But it's not because he hates them, or he didn't have a good experience or had a good experience, or was a good teacher or a bad teacher; I don't think it's got anything to do with that. Do you know what it's got to do with? There's a political constituency out there that says: "If you whack teachers good, we're behind you because, you know what? They're overpaid and underworked and they're not competent, so if you go fix that, we're with you, Mike." And Mike, as a good leader, is perpetrating that mythology as a way of keeping those constituencies by his side, not because he hates teachers but because it's good to go after them. They're victims, like welfare recipients.

Mr Kormos: Very manipulative.

Mr Marchese: Manipulative. Political manipulation. Good people, good politics, smart. Whacko, but smart. They don't worry about the consequences; they don't worry about the effect of bad policy. They don't worry about that, because they'll just pass another bill to fix an incompetency of theirs previously instituted. "No problem; just pass another bill and we'll correct it." I've never seen a more incompetent government in that regard. You just fix problems by introducing new bills every other day, and then you don't have hearings, you just skip over here, because the good public doesn't need to know. They're busy working. They don't have to come

to Queen's Park and be troubled by all that minutiae. Let M^{me} Ecker worry about the minutiae. Change is needed? "We'll fix it." Quality is a problem? "We'll fix it." We have a crisis in education? Mr Snobelen said, "We'll fix that." That's how they get elected. They're good.

"Supports a mandatory program of regular testing"—this minister said, oh no, it's not the kind of testing this member is proposing, yet they're introducing that kind of bill again, mandatory testing. The minister denies that she's doing it. This member is presenting it again, as he did a year ago under their 1995 electioneering plan. His minister is denying they're doing it. He's saying: "That's OK. Reannounce it again, because the good public needs to know we are testing teachers. We're going to help M. Tom Long with his campaign as he nationally tours Canada and says: 'We need a national test to test teachers, because they're incompetent. Elect me, Tom Long. We'll fix that, because there's a crisis out there.'"

I appreciate your attention.

The Deputy Speaker: Further debate.

Mr John O'Toole (Durham): I just wanted to take a minute and compliment the member for Bramalea-Gore-Malton-Springdale, Raminder Gill, on his resolution. He is a very professional person himself, I think a professional engineer. There is testing and certification and upgrades in all professions, whether it's dentistry, medicine, law. I think the intention of the resolution is to really respectfully make sure the profession—and I do refer to it as a profession—is upgraded.

The minister spoke the other day. I've listened to constituents, and 71% or 74% in some polls, by the province and others, have recognized that testing of teachers is extremely important. It's more or less an appraisal system, an evaluation, a performance review. The NDP's Royal Commission on Learning also recommended in some respects that testing and review of teachers is an important part of the profession's growth and development. Parents have told us we need to provide more direction to Ontario's publicly funded school system to ensure that students come first. They want school boards to be accountable for the delivery and benefits of Ontario's education reforms to children.

From the beginning, our education reform agenda has aimed to ensure that Ontario's students have access to the best-quality education system. After all, it is all about students in the classroom. For too long, we've neglected the essential point of the whole issue. The key elements of education reform, many of them stemming from the Royal Commission on Learning, which came from the NDP government, are about a fairly funded system, more resources in the classroom, a new, more rigorous curriculum, regular testing to show how our students are progressing, standard report cards so parents can understand the results. The investments are all in quality, initiatives such as the code of conduct to make sure that disruptive behaviour and disruptions in our schools and threats to safety just aren't acceptable any longer. Teacher testing is simply a part of making sure we have the best-quality

educational system not just in Ontario but indeed in the world.

I just want to comment with respect to the most recent initiatives of the Ontario English Catholic Teachers' Association. The article here says "Performance review yes" I also read this week in the paper that Patricia Bell, who is the president of OECTA, stated very clearly that she didn't really find it as repulsive as original. And you should know that OECTA's position was in total defiance of what the government would make as a law. Even before they knew what the law was, they said they were not going to participate in the testing. That's exactly this whole polarizing dilemma where our children, the students, get left out of the equation.

1150

In my view, most of the teachers won't have any problem at all with this system that's been proposed. The key recommendations from the College of Teachers: refine the policies; a written assessment of knowledge related to the new curriculum; a two-year introduction program for core components defined by the college; a return-to-practice program for teachers returning to the school system following a break; a requirement that teachers develop professional growth plans so that they learn computers and Internet and where the new resources are.

I think that generally, once you get by the politics of this, all we want to do is enhance and improve the quality of education in Ontario. Who could disagree with that? The parents demand it. The government is responding. The politics is all in the union part of it.

I'm going to share my time with the member—yes, thank you.

Mr Gerard Kennedy (Parkdale-High Park): It is interesting to be here in private members' hour with a new member of the House to whom we extend the greatest of respect. However, whether it is by inference or simply by direction, there is a connection between what has been presented today ostensibly as this private member's opinion for our deliberation and the government's actions last week—in fact, the government's actions in the election last year, where it said to all of Ontario, "We will find you a test for teachers." They said recertification exams. We stand here today then not talking about an idle concept that someone has brought to us but rather the government's promise of the day during the election to the public: "We will find you a test that will tell you whether the teachers are good or not." Instead, in the cabinet document, in the very core of this government's consideration of this issue, there is no teacher test.

So we're in a funny position today. We're being asked by the members we heard commenting opposite to approve something we know can't be done. We know there is not a test. It's a false pass and a false promise to be able to put forward from this august assembly that somehow the teachers of this province can be submitted to regular testing, because that's what in this resolution. The very cabinet document that enabled the announce-

ment from the minister of this government last week proved differently. Just as the College of Teachers, just as the state of New York, just as a variety of authorities around the world have said, you can only be irresponsible, you can only be disrespectful of the teaching profession, if you submit and subscribe to the idea that a test is going to tell you whether or not the people standing in front of the children with one of the biggest trusts that we accord to any member of society can be tested.

So why then do we have before us this resolution today? Why do we have the members of the Conservative government in here today apparently supporting an idea that can't be done? Why would a backbencher put forward for us in this assembly a patently impossible task of teacher testing? It is frankly because of the propaganda that this government is exercising. And willingly or not—and again we extend the benefit of the doubt to the member who brings us this today—the people who would support this resolution fall into that category of misleading and propagandizing an agenda which does not bring good repute to this House. This House, and this hour in particular, is only advanced when we in good faith bring forward the things we actually can do.

I say to the member opposite, if you look at the cabinet material—if you don't have a copy I'm happy to provide it to you—you will see that in that cabinet material there is not a teacher test. Further, it is very important to understand that this government is cutting \$1.6 billion from its share of education funding. Therein lies the real motivation. This government, far from protecting children, far from making sure that governments are providing enough funds, that teachers have the resources—in fact, \$1.6 billion is being removed from this government's share of funding, a terrible legacy. In fact, today the bill this resolution is linked to says, "Spend \$15 million chasing down teachers but spend no money improving teaching or learning in this province." Shame on all of you.

Mr Joseph Spina (Brampton Centre): I stand here supporting this resolution and I stand here supporting the policy of this government for more than just one reason, that it's something that's been put forward by this government. I'm the husband of a dedicated teacher for over 26 years. I spent 12 years in a classroom personally and I have diplomas from all levels of education, elementary, secondary school, community college and a degree from the university level. I have had great teachers and I can tell you that I have had teachers who were the absolute pits. I must remind everyone that this is what Dave Cooke said on TV last week: Teacher testing is a phrase that is used in an election campaign; the proper process is an evaluation. And that's exactly what it is.

Mr Kennedy: This is an abuse of the Legislature.

The Deputy Speaker: I will not warn the member from High Park again.

Mr Spina: It's an evaluation taking into account all of the wonderful skills and talents that a teacher brings forward to the classroom in a way that they can best

deliver it for good, quality students so that we have the best system in this country, the best system in the world. If you have qualified people teaching, you'll have an excellent product that comes out of the system.

The Deputy Speaker: The member for Bramalea-Gore-Malton-Springdale has two minutes.

Mr Gill: It is my pleasure to wrap up this debate today and I would like to thank all the members who took part. All the members in this House remember June 3 last year. We went to the people. Before that we had a platform called Blueprint. As we went door to door, people told us, "Your government has done exactly what they said they were going to do." Even people who opposed us told us that. This is just a commitment that we are fulfilling for the people of Ontario. We said it in black and white. I have a copy of the Blueprint here. I'm going to read it very briefly and this is on page 41:

"The quality of a child's teacher can make or break that child's education. We have excellent teachers in Ontario but the world is changing rapidly and we've got to make sure all teachers are keeping up. They must have the up-to-date skills, training and knowledge to put our students at the top."

When we go to a doctor for ourselves, for our families, we want to make sure they're the best in their profession, and it's only fair to demand and ask and ensure that the teachers we send our children to, especially the secondary and primary school teachers, where the children's foundation of education is going to start, are of the highest standards.

One of the things this program says is that teachers who have all the classroom skills, but may not be trained in the language of English or French, should also be tested to make sure their proficiency in English is up to date. So this is a very fair program. Even an Angus Reid poll said recently that 71% of the people support us, and I'm hoping all the people across the aisle also support us. I understand one of the people said for the record that Liberals will not be support it. That's a shame.

RAVES ACT, 2000

LOI DE 2000 SUR LES RAVES

The Deputy Speaker (Mr Bert Johnson): We'll deal first with ballot item number 25. Mrs Papatello has moved second reading of Bill 73. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

May I see those standing again? I declare the motion carried.

Mrs Sandra Papatello (Windsor West): I move that the bill be referred to the justice and social policy committee.

The Deputy Speaker: Is the pleasure of the House the motion carry? It is carried.

TEACHER TESTING

The Deputy Speaker (Mr Bert Johnson): We will now deal with ballot item number 26.

Mr Gill has moved notice of motion number 12.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members; there will be up to a five-minute bell.

The division bells rang from 1200 to 1205.

The Deputy Speaker: Order. If there are two of us standing, one of us is out of order, and it's not me.

All those in favour will please rise and remain standing until recognized by the Clerk.

Ayes

Annett, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted
Clark, Brad
DeFaria, Carl
Dunlop, Garfield

Galt, Doug
Gill, Raminder
Klees, Frank
Mazzilli, Frank
Murdoch, Bill
Mushinski, Marilyn
O'Toole, John

Ouellette, Jerry J.
Spina, Joseph
Stewart, R. Gary
Tascona, Joseph N.
Wood, Bob

Interjections.

The Deputy Speaker: It's late in the morning. I must remind you that my temper is getting short. I don't know, maybe it's the time of day or something, but I'm downright out of sorts. Let me remind you that I have absolutely no desire to throw anybody out, but that is my first instinct. You are here in the company of a group of students and you are not showing them the type of leadership they should expect of you. I would ask that you refrain from commenting. I would exhort you to go ahead and vote the way you would like to.

Mr Gill has moved a resolution. Those opposed will please rise and remain standing until recognized by the Clerk.

Nays

Bartolucci, Rick
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike
Conway, Sean G.

Cordiano, Joseph
Crozier, Bruce
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Gravelle, Michael
Kennedy, Gerard
Kormos, Peter
Lalonde, Jean-Marc

Marchese, Rosano
Martin, Tony
McLeod, Lyn
Parsons, Ernie
Peters, Steve
Phillips, Gerry
Papatello, Sandra
Ramsay, David
Sergio, Mano

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 19; the nays are 29.

The Deputy Speaker: I declare the motion lost.

The business of this morning has ended. We stand adjourned until 1:30 o'clock this afternoon.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

OCCUPATIONAL HEALTH AND SAFETY

Ms Caroline Di Cocco (Sarnia-Lambton): Sarnia-Lambton is known for its large petrochemical industry. Fibreglass, Holmes Foundry, Owens-Corning and many of the other industries shut down a number of years ago.

The community has paid a high price for the economic prosperity of the past. The price paid? People who have died from occupational disease and the growing number of people who have contracted fatal diseases from the workplace.

For years, grassroots advocates have attempted to raise awareness of this issue to governments, as early as the 1980s and all through the 1990s. Every government has failed to address this horrible legacy.

The city of Sarnia recognizes also that it can't run away from these issues, and a monument is being erected on the waterfront as testimony to lives lost from disease because of the lack of safety standards of the past.

Occupational disease is not a partisan issue. It is in that spirit of actually working co-operatively to resolve many of these issues that I invited Minister Stockwell to come to Sarnia-Lambton in January to meet with the community on this matter. We both agreed that we must learn from the mistakes of the past, that we must work together to truly resolve the horrible consequences of occupational disease in a responsible and compassionate manner.

AGRICULTURAL TRADE SHOW

Mr Doug Galt (Northumberland): I rise in the House today to encourage everyone to start the season right by coming to Northumberland this Victoria Day Weekend and attend RAV ON.

RAV ON stands for Rural Agri Ventures Ontario, which is a unique agri-venture trade show organized by the Campbellford-Seymour Agricultural Society. This unique showcase begins tomorrow in Campbellford and concludes on Saturday.

RAV ON was established to give anyone who is involved in new, innovative, alternative or diversified agribusinesses an opportunity to display their products and their ideas. It also will provide visitors with an opportunity to meet and greet owners of successful agribusinesses and seek advice on how to start up their own agri-venture.

According to the show's director, Mr Don Frise, there will be a wide range of alternative agribusinesses featured. These will likely include emu, ostrich and buffalo farming; organic and herbal gardening; and farm vacation operations such as bed and breakfasts.

This kind of showcase not only brings our attention to new and innovative ideas in agriculture, it also provides opportunities for these innovative ideas to emerge and develop into new business opportunities.

I commend Mr Don Frise and the Campbellford Seymour Agriculture Society for their hard work and dedication in organizing this trade show. I encourage everyone to join both myself, and many others, at the RAV ON trade show this weekend in Campbellford.

EVENTS IN CORNWALL

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I am pleased to rise today to invite all members to my riding over the summer months to enjoy and participate in the festivities during l'Écho francophone and Worldfest 2000.

Every year francophones gather together in the community to celebrate their heritage and achievements. This year the celebration will be held from June 1 to 4, and the kickoff will include a wine and cheese reception where francophones will be honoured for their many achievements in the Francophone Hall of Fame. The rest of the week will see sporting events, dances and community brunches to celebrate the French culture.

Franco-Ontarians are a strong and proud group in my riding, and I am happy to be able to congratulate them and hope they have a successful celebration.

I also would like to highlight the 16th annual Worldfest, taking place July 4 to 8. Worldfest 2000 is a showcase of music, dance and cultural diversity reflecting the importance of all peoples who make Canada the great nation that it is. With the generous sponsorship of industry and service groups, there will be delegations from Brazil, Belgium, Cuba, Nigeria, Slovakia and possibly Zimbabwe. Canada will be represented by two groups: our own MacCulloch Dancers, and Sondaky, a native aboriginal group from Quebec.

This year's event promises to be the biggest yet.

The organizers of both events are expecting to have good crowds, and I hope to see many of you there.

SENIORS GAMES

Mrs Julia Munro (York North): I rise today to talk about the York region senior games, which are being hosted this year by the town of Georgina and my riding of York North from May 23 to June 9.

The Ontario Senior Games program began 18 years ago, and was initiated by the Older Adults Centres' Association of Ontario. In 1983, with financial assistance from the Ministry of Tourism and Recreation, the Ontario Senior Games had approximately 4,600 participants in 31 activities in 21 different communities.

In 1999, the Ontario Senior Games Association, with the Ministry of Citizenship, Culture and Recreation, and the seniors secretariat, began the groundwork for the first winter games for seniors in the province of Ontario. This is to be named Winterfest and held biannually on the odd-numbered years after the launch in 2000. This year it was held in the town of Collingwood and had over 400 competitors.

I would like to invite everyone to the town of Georgina to come and watch the York Region Ontario Senior Games.

I would also like to take this opportunity to congratulate all the volunteers and extend best wishes to all the participants for their efforts.

ONTARIO WHOLE FARM RELIEF

Mr Pat Hoy (Chatham-Kent Essex): Last week I asked the Minister of Agriculture a direct question concerning the rules he is using to evaluate inventory for the Ontario whole farm relief program that is denying Ontario farmers millions of dollars of federal money. The minister totally ignored my question, twice, and instead of answering, he produced one of his bafflegab answers to deflect the criticism of the farmers of Ontario on his refusal to distribute the money, as it must be done, as it is being done across Canada.

Instead the minister said it was the federal government that is holding up the money and pulling money out of the program. This is utter nonsense and he knows it. He does have the authority to issue those cheques, though he told this House he does not. He issued the money last year when the agreement with the feds was not signed until July. He knows very well what in interim payment is; he uses them himself.

The real issue he has been avoiding is his refusal to allow the changes in inventory which the federal government has adopted to give out millions more to Ontario farmers. I don't think he has the matching 40%. The farmers of Ontario know exactly what he is trying to do. The minister must not jeopardize farmers' access to millions of dollars of federal money. He must take immediate action to allow enhanced inventory assessment.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Broadview-Greenwood): I have a letter in response to petitions I've been reading out on adoption disclosure reform. Minister Baird responds to this petition by saying that the ministry has invested \$350,000 in the 1999-2000 fiscal year to respond to the seven-year backlog of the matches being made for people who are looking for each other. That budget increase is welcome, but it's missing the point.

I did meet recently with the minister and he certainly has not ruled out helping me get my private member's bill on adoption passed. I'm going to be introducing that bill again soon in the House, as you know; I did in the last session, and it died when the House was prorogued. However, I had strong support from all three parties in the House at that time. The same bill will be reintroduced with perhaps some new amendments, because at that time it came up so quickly, I didn't have time to add them.

I appreciate the fact that the minister did meet with me to discuss the bill. I had an opportunity to talk to the Premier and House Leader Sterling about it. This bill will be coming forward again. The time has come to pass it.

Members will be hearing from me shortly. I hope very much that this time we can pass the adoption bill.

1340

EVENTS IN NIAGARA REGION

Mr Bart Maves (Niagara Falls): This past weekend I once again had the wonderful opportunity of participating in the opening ceremonies for the annual Maid of the Mist Blossom Festival in Niagara Falls. This year the Blossom Festival has expanded to three weeks, with several free concerts at Queen Victoria Park with musical guests such as Blue Rodeo last weekend and Amanda Marshall this weekend. Attendance over the duration of the festival is expected to exceed 200,000.

Just last month, Minister of Tourism Cam Jackson provided the festival organizers, Brian Merritt and the Niagara Parks Commission, with \$50,000 to help with the organization and promotion of this event. In addition to the funding for the festival, the Niagara Economic and Tourism Corp received close to \$25,000 from the Ministry of Tourism to help market the Niagara region and to lure investors.

I would like to reiterate what Minister Cam Jackson said in Niagara-on-the-Lake last month: "The Niagara region is a hotbed of tourism activity. More opportunities exist here in the region than anywhere else in the province. This economic region is going to be the marquee for the province." Speaker, I think it already is.

In celebration of Tourism Week, which officially begins next week, I congratulate the organizers and participants of the festival. The previous dedicated and hard work of the Cummings family has kept the festival alive for many years. I encourage everyone to come and visit Niagara for this reinvigorated event.

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

Mr John Gerretsen (Kingston and the Islands): This government's systematic attack on the independent officers of this Parliament continues. These officers are the watchdogs of government and are totally objective individuals who are vigilant in their duties and give an open, honest and unbiased assessment of the government's performance.

First, last spring, it fired the Environmental Commissioner when she issued a very critical condemnation of this government on its environmental record in the last five years.

Next, it reduced the Ombudsman's term of office from 10 to five years and thereby severely compromised the total independence of this office.

It is now threatening the office of the Information and Privacy Commissioner by having a legislative committee, dominated by government backbenchers, review the freedom of information and protection of privacy legislation because of her very critical report on the disclosure of personal financial information by the Ministry of

Finance's own Province of Ontario Savings Office, which affects some 50,000 people in this province. As you know, in the report she states that her office experienced extensive difficulties from the Ministry of Finance in allowing her to do a full and complete investigation.

The people of Ontario can be assured that we on this side of the House will fight to ensure that any changes to the legislation will enhance and improve a person's ability to get information from the government in a faster and less costly manner. We will make sure that any information of unfounded allegations collected by the government will be immediately removed from government records and not kept for seven years, as is currently the practice. The government has completely ignored her recommendation that these records be removed within a one-year time period.

SPECIAL OLYMPICS

Mrs Tina R. Molinari (Thornhill): I'm honoured to rise today to congratulate the courageous men and women who participated in the recent Year 2000 Special Olympics held in York region. I had the pleasure to attend and speak at the opening ceremonies of the floor hockey event for these Special Olympians in my riding of Thornhill. In the early days of the Special Olympics we saw Harry Red Foster, that outstanding sportsman and famous broadcaster, accompany a floor hockey team from Toronto to the first international Special Olympics Games held in Chicago in 1968. Red Foster was quick to see in the Special Olympics a further opportunity to enhance the lives of challenged Canadians. The rest of the story is history.

The Thornhill residents I represent were delighted to host this Special Olympics event. We were completely captivated by the enthusiasm, tenacity and achievement of each athlete.

The story of the Special Olympics is a source of great inspiration to me, to my constituents of Thornhill, and no doubt to every member of this House. The Year 2000 Special Olympics was truly one of this province's finest moments, and we celebrate the achievements of all who participated. Each of these athletes can serve as a role model to all of us. Their courage and determination is reflected in the oath they live by: "Let me win, but if I cannot win, let me be brave in the attempt."

These athletes, their dedicated coaches and the hundreds of volunteers who assist them deserve our heartiest congratulations. May they continue to follow their dreams and achieve their goals. On behalf of my constituents of Thornhill, I wish these fine athletes every success in the future.

VISITORS

Mr Pat Hoy (Chatham-Kent Essex): On a point of order, Mr Speaker: I know you and all members of the Legislature would want to welcome the students and their

chaperones from Mill Street Public School. They've travelled here to their Legislature from Leamington.

The Speaker (Hon Gary Carr): That's not a point of order, but we welcome the students.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin, today is the last day for the pages, and I think all the members would like to join in saying goodbye to our good friends. We wish them well in their endeavours.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): On Wednesday, May 10, 2000, the member for Renfrew-Nipissing-Pembroke raised a point of privilege with respect to the special report on disclosure of personal information by the Province of Ontario Savings Office, Ministry of Finance, which was presented to this House on April 26, 2000, by the Information and Privacy Commissioner.

In raising his point of privilege, the member argued that various officials inside the Ministry of Finance and elsewhere have perpetrated a contempt on this Legislature by frustrating an investigation undertaken by the Information and Privacy Commissioner. He refers to the commissioner's report in which she outlines the difficulties experienced by her office in conducting her investigation. The member quoted the commissioner as follows:

"In our view, the ministry endeavoured to restrict the scope of the investigation and the investigative tools available to the IPC. Attempts to interview current and former government officials ... were met with protracted negotiations and resulted in key individuals refusing to be interviewed."

The government House leader provided a written submission on this point in which he argued that there is no *prima facie* case of privilege because the Ministry of Finance co-operated with the Information and Privacy Commissioner at all times. He further stated that the ministry not only met its statutory obligations to participate in the investigation but also went beyond its legal requirements and encouraged its employees and all involved to assist the commissioner in her work.

The member for Renfrew-Nipissing-Pembroke requested that I review the matters raised for a determination that they "constitute a *prima facie* case of contempt."

With respect to both members and officers of the House, Erskine May has said on this matter of contempt, and again I quote:

"Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence."

Section 46 of our own Legislative Assembly Act sets out the jurisdiction of this House to inquire into and punish, as breaches of privilege or as contempt, a number of matters including: "Assaults upon or interference with an officer of the assembly while in the execution of his or her duty."

In light of those authorities, I have carefully considered the arguments put forward by the member for Renfrew-Nipissing-Pembroke as well as those submitted by the government House leader. In addition I have read the commissioner's report.

What I am left with are two opposing points of view: one that speaks of co-operation within the law and another that speaks of obstruction. I am not in a position to determine who is right and who is wrong and can only acknowledge that an unhelpful conflict exists.

My role and duty is simply as outlined by Maingot at page 221 of the second edition of the Parliamentary Privilege in Canada, to determine if "the evidence on its face as outlined by the member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate...." The role of the Speaker does not extend to deciding the question of substance or whether a contempt did in fact occur. That is ultimately up to the House to decide.

1350

What I have to determine is whether or not a *prima facie* case of contempt has been established. The question for the Speaker is whether the matter is of such a character as to entitle the member who has raised it to move a motion to have it considered further at committee.

In considering the question, I find the very fact that an officer of this House, a person selected by this Parliament and sworn to faithfully discharge her duties to this House, has taken the extraordinary step of advising us that the authority of her office was disregarded and discounted to the extent that she was, and again I quote from her report, "unable to conduct a full and complete investigation," is in and of itself a challenge to the supremacy of this House, from which she draws that authority.

In official business dealings with an officer of this House, individuals owe an obligation of accountability to Parliament. That our own officer advises that the opposite was the case is sufficient cause in my mind to find that a *prima facie* case of contempt of Parliament has been made out. How could it be otherwise? The privacy commissioner's sole loyalty is to this House, manifest in her trusted discharge of the role and functions assigned to her, by us, in this act.

At the end of the day, it may very well be that in this instance, the commissioner's inability to "conduct a full and complete investigation" emanates, as is argued by the government House leader, from a lack of statutory power. That may very well be the crux of the question as to whether or not a contempt occurred. But again, I am only charged with determining whether a *prima facie* case has been made out.

Having so found, I now recognize the member for Renfrew-Nipissing-Pembroke and invite him to move the motion of which he gave notice last Wednesday, which would very simply refer this matter to committee for consideration.

MOTIONS

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): Mr Speaker, I move that, in light of your ruling that a *prima facie* case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000 by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration.

The Speaker (Hon Gary Carr): I will now call on the member for debate.

Mr Conway: I very much appreciate the opportunity to speak very briefly to the motion. I have to say that I obviously appreciate the care and consideration that not only you took in this matter, but my friend and colleague the government House leader, as you observed, tabled a six-page submission on behalf of the government on this matter.

I say again to my colleagues in the Legislature, as members of the Legislature, that the report presented to us by Dr Cavoukian, our Information and Privacy Commissioner, just a couple of weeks ago on 26 April says—let me just take you to her summary of conclusions. On this day particularly, where the nation is seized of this matter of freedom of information and the protection of privacy, here is what our commissioner, our officer, said happened in the sphere of the Ontario government, the Ministry of Finance, privatization secretariat, in the summer of 1997.

Our officer, Dr Cavoukian, found, upon her albeit limited and apparently obstructed investigation, three things. She found that in the summer of 1997 personal, confidential information affecting 50,000 Ontarians who are depositors at the Ontario savings office was wrongly and illegally released into places where it ought not to have been released, and that there was a failure by the officials at the Ministry of Finance and at the privatization secretariat to take reasonable measures to protect against that kind of inappropriate and illegal release of the information.

Again let me remind you: 50,000 Ontarians who are depositors at the Province of Ontario Savings Office. I happen to be one, but there are almost 50,000 others, and

they're not just in places like Toronto and Ottawa and Hamilton and London and Windsor; they're in places like Aylmer and Walkerton and Woodstock and Pembroke and a whole bunch of other places, large and small. These Ontario citizens had their confidential banking information released by their government. What kind of information? Their names, their social insurance numbers, their accounts, their account balances, all of it was released inappropriately, and according to Dr Cavoukian on page 25 of her own report, illegally.

She says clearly: "The three disclosures of personal information, (a) from" the Province of Ontario Savings Office "to privatization, (b) from privatization to Angus Reid" polling company, and (c) from the Province of Ontario Savings Office to CIBC "Wood Gundy, were not in compliance with the act"—that act passed by this Legislature some years ago called the Freedom of Information and Protection of Privacy Act. She says that very clearly on page 25 of this report.

That is, on this day of all days, in my view a very serious matter. It is a matter, as we used to say in the old parliamentary parlance, surely of urgent and pressing necessity. But it's worse than that. When the commissioner found out that this illegal release of confidential information had been made by public servants working for the Ministry of Finance and the privatization secretariat, people she tells us who are not nearly as careful with the information as private sector people at Wood Gundy and Angus Reid, when the *Globe and Mail* reported two and a half years after the incident occurred that this illegal information affecting 50,000 Ontarians had taken place, what are we then told? We are told in this report, by our officer to us but two weeks ago, that there was a systematic frustration and obstruction of her best efforts to find out what happened in the summer of 1997.

I think all honourable members, faced with this kind of clear evidence from our officer, who in this matter is an independent referee—Dr Cavoukian is the umpire with a mandate from us to adjudicate these matters. When she seeks out information that is clearly material, not just to us, but I say again, on behalf of the 50,000 people out there who had their confidential banking information illegally released by their government—can you imagine the farmer in Oxford county, the retail clerk in Pembroke, the Ontario government employee at Queen's Park, if they had known that this was going to happen?

We know, for example, from the commissioner's report that when Angus Reid started to make the calls back in the summer of 1997, one branch alone got 30 complaints. The people complaining didn't know the half of it; they didn't know the people at the other end of the line were sitting there saying, "Conway, S.G.; 545 Herbert Street, Pembroke; social insurance number 800XXX; account numbers A, B and C; balances, \$942, \$4,016"—

Interjection.

Mr Conway: Well, it's not a trifling matter. We had people by the score phoning in very upset just because they were getting the call. Can you imagine what those people might have said, might have thought if they had known that the caller had confidential financial information that was illegally let loose by their Ontario government?

1400

So I simply make the point again: Not only was there, according to the commissioner, an inappropriate and an illegal release by the Ontario Ministry of Finance of confidential financial information affecting 50,000 Ontarians, but when the independent umpire employed by us, Dr Cavoukian, went to finance and the privatization secretariat to find out what happened—who did what, when, under what circumstances—she was frustrated and she was obstructed.

She concluded her examination weeks after it began when she concluded that she was simply not going to get the appropriate co-operation that she expected, that she got from Wood Gundy, that she got from Angus Reid and, to be fair to the Ontario government, that she's been getting from the Ontario government, by and large, for years. Therefore, she submitted to us on the 26th day of this year a report in which she said, "Yes, I found that there was an illegal release of information by the Ontario Ministry of Finance and the privatization secretariat, and it affected 50,000 people."

I want the House to deliberate over the offence here. This is not a trifle. I would be not taking this as seriously if the offence committed by our public servants at finance and privatization was not as egregious as it clearly is. But the initial error and misjudgment and the initial mistake and illegality, in my view, have been doubly compounded by the attitude by the Deputy Minister of Finance and others I don't yet know of, because I just have the report, but certainly the Deputy Minister of Finance, perhaps the secretary of cabinet and I don't know who else was involved.

When our commissioner went to do her job, to find out who did what in this serious matter, she was obstructed. I submit that this House, as a self-respecting Legislature, cannot let this report stand without further action. It is on that very serious account that I stand here today and support my motion and ask all honourable members of this House to support the motion so that a committee of our Legislature, in this case the standing committee on the Legislative Assembly, can, on a priority basis, take up the commissioner's report and complete the work that, because of the ministerial obstruction complained of in this report, makes it an incomplete report.

We talk, and we talk rightly, about accountability and about responsibility. As the Legislature, in the public interest we have a duty to ourselves, to the broad public interest and most especially to those 50,000 depositors, those 50,000 Ontarians, to get to the bottom of what happened in the summer of 1997. That's why I believe this report is extremely important and why it has to be

supported. To do anything less, I say to my colleagues on both sides of the aisle, is to tacitly agree with and recommend to people who have committed an illegal act according to the umpire in this case: "Not to worry. Parliament, which is sovereign in these matters, really doesn't seem to care about its ultimate responsibility, about its sovereignty and about the people it represents."

I say in conclusion, Mr Speaker, I want to know more than I now know as to what happened at the Ministry of Finance, particularly in July, August and September 1997. I know those people at finance. I have a high regard for the public service. My experience, as both a member and certainly a minister, is that on this kind of a file, where there is this kind of confidential information, the every instinct of the public service in Ontario would be to say, "No, no, no," to do exactly what Angus Reid and Wood Gundy did when they got it. The commissioner tells us when Angus Reid got it and when Wood Gundy got the information, they said, "We shouldn't have this; you've given us more than we need, more than we want," and as far as we know they sealed it there. My knowledge of and my experience with people, particularly people at finance, is that would be their every instinct. So I'm left with this almost incredible situation that people in that culture allowed this kind of information to escape their control. Something happened. Something seriously misfired. I have some theories about what it might have been, but they are just theoretical.

I do observe, Mr Speaker and colleagues, that at some point late in the summer of 1997, something twigged at finance and very quickly did they pull back. That I understand entirely. That would have been their first instinct, I would assume.

My question, not answered by the commissioner's report for the reasons she cites in the appendix, having to do with frustration and obstruction, is, why didn't it happen? Because when I saw the report as to what, I think it was the deputy minister, did—stop it, pull it back—that I believe; that I understand totally. So why didn't it happen initially?

I guess I also have to say we talked just this week about accountability and responsibility. We are going to probably, in this Parliament and in others across the land, be looking at issues of freedom of information and protection of privacy. I'm quite prepared to have that debate. But I want to also focus on what happened here in the summer of 1997, because this is not theoretical and this is not trivial. This is actual; this was serious; and according to Dr Cavoukian, it was illegal.

I can't, and I don't really want to, contemplate future changes and future possibilities until I understand what on earth happened in 1997. And do you know what? I want something else. I want somebody to be held to account. That farmer in Oxford county, that clerk in Pembroke or in the Ottawa Valley who had their confidential financial information illegally released by their Ontario government are owed some accountability. This isn't some private corporation; this isn't some malingering municipality. This is Her Majesty's Ontario

government, the department of the treasury, the Ministry of Finance, who did this, and they did it to 50,000 citizens, I assume most or all of whom live in Ontario.

So I not only want to know what happened, I want to know who was responsible for this inappropriate and illegal activity. I want to know from the Minister of Finance, from the leader of the government: What sanctions have been or will be applied? What accountabilities have been or will be exacted from those people in finance, at the Cabinet Office, at the privatization secretariat or whoever else was involved inside government, for this serious and illegal activity that injured and impaired the rights and entitlements of 50,000 Ontario depositors to the savings office owned and operated by this Ontario government?

Mr David Christopherson (Hamilton West): I am certainly pleased that you have chosen to recognize the fact that this is a serious matter and was not one of partisan fodder.

I would point to the fact that on Wednesday, April 26, when this report was tabled, I not only asked a question of the Minister of Finance, but also—and reading from Hansard, upon your recognizing me on that day, I said to you:

"Mr Speaker, my point of order is with regard to the report that you've just tabled." That would, of course, be the report that we are now debating. "Given the fact that it's a stunning report that speaks of the government actually violating the law, we in the NDP request unanimous consent to have an emergency debate about this most important, crucial issue that affects Ontarians in terms of their rights to privacy."

You responded, Speaker: "Is there unanimous consent? I heard some noes."

I remember clearly, Speaker, those noes came from the government side. This government had no interest in doing anything about this.

Interjections.

Mr Christopherson: And they're beginning to heckle now because they know that they're exposed on this.

Their hope was that it was a couple of years ago; they would make some murmurings about agreeing with some of the recommendations that the privacy commissioner has made, and by virtue of that they hoped it would go away. You know what, Speaker? It did go away. There were a couple of news reports the next day, but basically exactly what the government wanted happened: It went dead, it went quiet.

1410

We even raised a question the next day. We asked a lead question that day when it was tabled and asked a question the next day—nothing, no interest. I shouldn't say "no interest." To be fair, there was in fact one reporter, Was it John Ibbitson who broke it? If I'm wrong, somebody send me a note, but I believe he first broke the story. I think there was a follow-up to it, but not nearly the kind of headlines or newscasts that would suggest today was ultimately going to happen, because this doesn't happen very often. It's not very often that we

get a Speaker who stands in his or her place and says that they have found a *prima facie* case of contempt—extraordinary, breathtaking in terms of what it means.

I expect that we're probably going to get an amendment from the government. I wouldn't be surprised if it happens this afternoon, although there are a couple more days because, let me assure the government, we're going to talk about this until we get to the bottom of it or you muzzle us, one of the two. But that's what's going to happen. This is not going to voluntarily go away, nor should it. This is a huge issue. But they're going to move a motion, I suspect, an amendment that will send it off to committee and they're going to try to have that committee look at the overall Information and Privacy Commissioner's legislation, which of course is the freedom of information legislation that governs what government can release and what they can't. We all know that every committee in this place is stacked with a majority of government members. So sending this off to a committee, if the government tries to make that sound reasonable, is merely a ploy to further muzzle this investigation, and it's certainly not going to happen willingly.

The fact of the matter is, the government broke the law with regard to Ontarians' personal information. I said at the time, and I repeat: The only thing that could be of greater importance is if you had released someone's medical information. What we're talking about is a government that took the name, address, phone number and bank balances of Ontarians and gave them to a polling company. In doing that, the commissioner has found, and it says right in here, you broke the law. I think it speaks volumes that you did everything you could to muzzle it, because those sorts of things aren't important to you. Bullies wouldn't care about something they would consider a minor technicality: "Oh, you know, a little bit of information leaked out. We got on top of it right away and we sort of changed things." That's not acceptable, not acceptable by a long shot.

Some 50,000 Ontarians had their fundamental right to have their financial information kept private violated, and when the officer of this Legislature, the Information and Privacy Commissioner, looked into it, as rightly she should, you stonewalled her. Look what she said in her letter of April 27. This is the day after we asked our question in the House. The commissioner wrote to the finance minister and said in part: "My strong preference, however," in terms of the action that would be taken as a result of this report being tabled, "is that these changes"—and by that, Speaker, if I might, the changes that the information commissioner requested would have given her the powers to continue the investigation to answer the questions that she says are unanswered.

I point out parenthetically that if anyone questions whether or not there were real issues, the commissioner outlines the questions that weren't answered and outlines in her report "obstacles we encountered during this investigation." It says, "This investigation clearly demonstrates the need for explicit statutory powers to enable the Information and Privacy Commissioner to conduct a full

and complete investigation." So we have a violation of the law. An officer of this Legislature looking into it reports back, "Here's what I could find out, but these are all the things I couldn't find out, and here were all the obstructions that the government put in the way in terms of my ability to complete this investigation."

She then recommended what powers—it says right in here what powers she would need in order to complete the investigation. We, the NDP, offered, and I'm sure the official opposition would have been in agreement, to table those changes immediately, give unanimous consent for first, second and third reading, and then allow the commissioner to continue the investigation she had started. You said no.

She goes on—this is in response to her recommendation—and she gives very clear language about what powers she needs in her law in order to conclude the investigation and overcome the obstacles and obstruction of the Harris government on behalf of the people of Ontario. She says, "My strong preference, however, is that these changes be fast-tracked in the form of a short bill, rather than referring this to a legislative committee as part of a complete review of the act." Again, I might say, that was the motion that the government House leader tabled, that this whole matter be referred to the legislative committee, and then it would have gone off into the black hole of a committee review, probably never to be heard from for a couple of years, at which time the trail would have been so cold, it would have been very difficult to get to the bottom of this matter—exactly what the government wanted and exactly what the information commissioner was trying to avoid.

I want to note, and I want to state on the record on behalf of myself and my caucus, the courageous position that the commissioner took. Given the retaliation this government takes against people who cross them, she has probably put her job on the line, and she has done that for the people of Ontario. We ought to be grateful that we have an officer of this Legislature who has the integrity and the courage to speak out in the face of the kind of retaliation this government has been known to take out on people who cross them.

She goes on to say in her April 27 report: "While your suggestion of referring the entire act to a legislative committee shows the importance you are placing on the need to add to the powers we require to protect the privacy of Ontarians, I respectfully ask that you consider a faster route." You wouldn't do it. She then goes on to say: "I believe that enough time has been spent studying this matter. The time for action is now." She's making reference to the changes that she needs to the legislation. She concludes by saying, "Respectfully, for the reasons I have cited in my special report, I ask that the government proceed to bring in these amendments as quickly as possible." What did the government do? They ignored it. They waited a few weeks for things to simmer down, which they did nicely, then they tabled—I believe it's been formally tabled with the Clerk—a motion that would have the effect of sending the whole thing off to

the legislative committee, exactly what the commissioner said she didn't want to happen, and she explains why.

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This is a scandal of monumental proportions. The fact that the commissioner had to go so far as to say: "The Information and Privacy Commissioner has taken the extraordinary step of producing an addendum to this report. The addendum outlines the difficulties experienced by this office in conducting the investigation into the disclosure of POSO account holder information"—extraordinary. I was absolutely flabbergasted at how little attention this report got on the day that it was tabled.

Interjections.

Mr John O'Toole (Durham): It looks like it today too.

Mr Christopherson: We hear the government heckling. This is all funny to them. It's just a big joke. The fact that this government has been found in contempt is a joke. You're all laughing. Everything is a big joke. That's the way bullies approach things. Everything is a big joke. You tried to muzzle this, but you didn't get away with it.

Interjection.

Mr Christopherson: You talk to me about the truth, Minister. Let me tell you, you've got a commissioner who wants to get at the truth and it's your government that provided the obstacles that prevented her from getting at it. Rather than sitting there and heckling, I would suggest you talk to your fellow cabinet colleagues and talk about doing the right thing, which is to give the commissioner the immediate powers she needs—we can do that in an hour—and let her go on and complete the report. You want this thing to go away today and not have it a week Monday when we return, and the next day? You don't want this issue on the floor of the Legislature? Then let's agree that we will table the legislation that will give the commissioner the powers she asked for in her report and allow her to get on with that investigation. If that happens, we can go on with other business in this place. All she ever wanted to do was to go and carry out her duties, to do her job. It was your government that denied her the right to do her job. In fact, having already said in writing that you broke the law, the commissioner points out all the unanswered questions that she can't get to.

You're going to have a tough time now that the spotlight is finally on this issue. Boy, I sure wish we could get this kind of spotlight on a lot of other things you're doing. But this spotlight is on here now, and you're not going to be able to squirm out of it. You're either going to have to give the commissioner the powers she needs to do her job or you're going to have to be seen for the bullying, antidemocratic government that you are. Anything else could not be hidden under the rug, because finally we've got the spotlight focused clearly on another crucial issue, and now we're going to have the time and the attention to talk about it and finally get to the bottom of some of these things.

I don't know what you're going to do at the end of the day in terms of voting for or against the motion. You're going to have a tough time saying no to this. Let me say again that if you think just referring it to the committee for a general review of the legislation is going to get you out of this, you're sadly mistaken, because the commissioner has already addressed that in her April 27 letter.

Not to try to be over the top about this, but it does start—

Interjection.

Mr Christopherson: You laugh now. We'll see where we are in a few weeks. I say to my friend across the way, we'll see who laughs last. This is so extraordinarily serious. You're going to have a very difficult time sloughing this off when the spotlight is on. Laws were broken. Personal, private information of Ontario citizens that is guaranteed by law was released in a breach of the law. That much she has already concluded. What we don't know is, what else is there? Why are you prepared to run the risk of facing this kind of a report rather than allow the commissioner access to the people and information she needs to answer the questions she feels need to be answered to carry out her duties? What are you hiding? What's buried? What is being covered up?

That's why I made the comment. If you remember President Nixon, it wasn't the initial burglary that got him into the deepest water, recognizing that was serious enough. I think this case is very similar. There was a breach of the law, but where you're getting into serious trouble—and believe me, those backbenchers are sitting there so smug. I suggest it's just because you haven't been here long enough, and I don't say that in a disparaging way. I just don't think you've been here long enough to understand the significance of a ruling from the Speaker that you are found in contempt of this Legislature. That says to me that the cover-up was a risk worth taking, and incurring the wrath of the information commissioner and whatever bad publicity you might get is worth taking in the short term because in the long term you don't want the whole story exposed.

I would not stand here and tell you what I think is at the bottom of all this. I don't know. The point is: neither does anyone else. The privacy commissioner's job is to answer those questions. She tried to do it. You obstructed her. Having already broken the law and violated the rights of tens of thousands of Ontarians, you attempted to obstruct and prevent an officer of this Legislature from carrying out her duty. Why? I can only conclude that it's necessary to cover up. So, we've got an initial infraction of the law being broken and then a more serious question of potential law-breaking, certainly contemptuous action, in order to cover something up. That sure sounds like Watergate to me.

What is it you're hiding? What is it about the answers to the questions the privacy commissioner feels she has to get to the bottom of that is so terrifying to you it's worth taking a hit? Except the traditions and the rights of members and the rights of Ontarians finally got into this

place and the Speaker, having looked at this objectively, has decided that yes, there's a prima facie case of contempt, a significant, huge issue that rarely happens. In all of the parliaments around the world, this doesn't happen very often, and when it does, it needs to be treated with the greatest attention possible.

As my time winds down, I say to the government once again, if you're serious and honest about wanting to get to the bottom of this, then agree with us that we'll give unanimous consent to first, second and third reading to give the commissioner the powers she wants. If she has those powers, she can continue her investigation. We can move off this in this place and do other government business, but at least the investigation will continue. In the absence of that, this is nothing more than a serious, high-level cover-up meant to stop the commissioner from getting to the bottom of this breaking of the law and the rights of Ontario citizens.

Mr David Young (Willowdale): Let me say at the outset, as clearly as I can, that Minister Eves and the Ministry of Finance accept the Information and Privacy Commissioner's recommendations and certainly will comply with them. In fact, to set the record straight, four of the seven recommendations made in relation to the operation of the Ministry of Finance have already been complied with, are fulfilled, and the remaining three are well on their way. Furthermore, let's also be very clear that Minister Eves has said publicly, and I will reiterate today, that all of these recommendations, all of the recommendations that emanate from the report of Dr Cavoukian will in fact be complied with by July 31 of this calendar year. That, Mr Speaker, as you will know as someone who has reviewed the report in question, is well in advance of the expedited timetable that was put forward by Dr Cavoukian. I say to you, and I say to the members of this Legislature and to the public, that that is in fact a clear demonstration of our willingness to co-operate and to ensure that the difficulties that Dr Cavoukian had in the past will not be repeated.

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I also wish to say very clearly that this government acknowledges that the commissioner has requested, in the strongest terms, additional powers. She has said she wants additional powers to compel production of documents and witnesses and so on and so forth. In order to clearly understand what the commissioner is asking for and why she has or does not have that authority at this time, I think it's important to look at the history. Let's consider when this legislation was passed, who was in power when the legislation was passed and what decisions in fact were made as to whether or not she should in fact have these powers.

Mr Speaker, as again I'm sure you're aware, in 1988 the Liberal government of the time decided to pass the information and privacy legislation that allows the commissioner to operate. I think it is prudent, in spite of the rhetoric that emanates from the Liberal benches, which are feeling very sensitive as this point in time about some deficiencies in that legislation they passed, I

think it is important to talk about in what instances the commissioner has the sort of wide-ranging powers she is seeking and in what instances she does not have those powers under the current legislation, the legislation passed by the members opposite in the Liberal Party or their predecessors.

It is interesting to note that there are certain instances, certain investigations that she can conduct where she can in fact compel production of documents, where she can in fact summon and examine witnesses to come forward and give evidence. But for some reason, and undoubtedly during the course of this debate we will hear from the members opposite as to why this is the case, they chose, when dealing with an investigation of this sort, that the commissioner should not have that authority. There is no reference to her ability to be able to compel documents, to be able to summon witnesses. And by necessary implication, we must assume that the Liberals, for some reason, didn't want to give her those powers. They did in some instances; they didn't in these instances.

So it's important to recall that, just as it's important to recall—and I know the member from Hamilton West will recall this because he was in government at the time—that in 1991 this act was reviewed by the then NDP government. And in 1991 the NDP—let me be as clear as I can at this point in time—ignored the Legislative Assembly committee's call for an expansion of the commissioner's rights, ignored the committee's recommendations. In 1994, the NDP government decided to conduct yet another review and, once again, they ultimately took no steps to empower or further empower the commissioner in her investigations. They took no steps whatsoever to increase her statutory powers.

The motion that was tabled on May 16 by Minister Eves is proof positive that this government is prepared to consider the commissioner's request for broader statutory powers. This demonstrates clearly that we are committed to improving the process. But to keep this matter in perspective, it must be recalled that privacy commissioners across this country, by and large, do not have the authority that the commissioner is seeking. The majority of provinces do not allow their privacy commissioners to do what it is that the commissioner is asking to do. Provinces that do not have that authority granted to the privacy commissioners include Saskatchewan, Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island and the Northwest Territories. To be fair, there are some provinces, a minority of provinces, that have recently granted this extra authority and we are prepared to look at replicating that in this province.

I want to say at this juncture, as emphatically as possible, that the member for Hamilton West, with the greatest of respect, greatly overstated your finding today. Let's be very clear. What you found, Mr Speaker, is that there is a prima facie basis for discussion of this point. You made it very clear, and I took notes of exactly what you said. You made no finding of contempt this afternoon, and certainly the inflammatory language utilized by the member from Hamilton West does not serve to

advance this debate and ensure that the difficulties that were encountered will not be repeated. Talking about illegal acts and so on and so forth, and findings in that regard, are simply fanciful. There is no basis in fact for that if one is to consider the ruling that you made this afternoon.

Notwithstanding our acceptance of the commissioner's findings, notwithstanding our acceptance of your ruling of the existence of that *prima facie* basis and notwithstanding our commitment to follow through on Dr Cavoukian's recommendations, it's important that we stop and note that ministry officials throughout this investigation attempted to comply with the commissioner's requests time and time again. They attempted to do so while balancing the existing rights that she had and the rights that the individuals she sought to confer with had as well. I'll talk about that a little further in a moment.

By way of explanation, let me review some of the relevant facts and dates. First of all, the freedom of information coordinator—and that is, as you know, the individual considered the resident expert in a ministry staff—gave advice to the privatization secretariat and that advice suggested that their contemplated actions complied with FIPPA. That is very clear from reading the commissioner's report. She disagrees with that advice, but she acknowledges that that source was conferred with and that was the opinion granted. Over the period of the review, it's also important to remember that the Ministry of Finance provided every document sought, a total of 39 sets of documents, a total of 417 pages, were provided to the commissioner in accordance with her requests.

With this in mind, the government is clearly surprised and disappointed by the commissioner's statement that the Ministry of Finance was less than fully co-operative throughout this process. The Ministry of Finance was officially advised, officially informed of the Information and Privacy Commissioner's desire to undertake this investigation, on January 8, 2000. After the privacy commissioner's office informed the minister that she would be embarking upon this review, the Ministry of Finance immediately committed to her that they would devote considerable effort and resources to assisting with her investigation. I'm going to talk about exactly what was done, rather than banter about these bold and factless allegations that we've heard throughout this afternoon, I'm going to talk about just what was done.

It was a challenging task for a number of reasons. The first reason, of course, is that we were dealing with an incident that had happened some time earlier. Arising out of that, I come to the second reason and that is that many of the individuals whom the privacy commissioner wanted to speak with were no longer in the employ or no longer had any association with the government.

Mr Speaker, let's remember that some of the individuals the privacy commissioner did want to speak with were in fact members of OPSEU and have certain rights that I'm sure you and others in this chamber will acknowledge exist, and those rights include the right to counsel. I'll come back to that in just a moment.

Ministry officials took numerous steps to assist the commissioner, and I'll go into those in some detail right now. We responded in detail to every question asked by the office of the commissioner, providing every available document to her. I repeat, in total, 39 sets of documents, 417 pages, were provided to her. They participated in numerous telephone conversations and requests for meetings. The commissioner and her staff phoned the Ministry of Finance and wrote to the Ministry of Finance on numerous occasions and on each and every occasion there was a timely and meaningful response.

Let's just for a moment look at the early days of the investigation. In January 2000, ministry officials responded to requests by the office of the privacy commissioner on January 7, 10, 13, 19, 24, 25 and 28. In the interests of full disclosure and to allow for a complete review of the events in question, the ministry also identified and provided the privacy commissioner with a list of 40 individuals, and those were individuals who were directly involved in this matter in 1997. We note that for reasons that are not known to us at this time, and were not known earlier this year when the investigation was underway, the privacy commissioner chose to contact only 13 of those 40 individuals. She actually interviewed fewer than that. Why the other individuals were not contacted I know not.

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It needs to be noted and emphasized that many of the individuals she sought to speak with were no longer in the employ of the ministry, as I said, and in some instances were existing members of OPSEU and had certain rights that had to be considered, and they did consider them.

The commissioner concludes her report by stating that there are many unanswered questions. Perhaps those unanswered questions could be answered if those 27 individuals that she chose not to contact were contacted and interviewed.

The ministry did everything within their power, and we should note for the record here exactly what was done. On February 1, the commissioner requested that the ministry contact 13 individuals—we talked about those 13 individuals a moment ago—and we did just that. We contacted those individuals, we advised them of the commissioner's desire to interview them, and from February 7 to 18, all of those 13 individuals were contacted by the ministry at the request of the commissioner.

At that time, the ministry wrote a letter to each of those individuals and those individuals heard by way of that correspondence the following, and I'm quoting from the letter emanating from the Ministry of Finance now: "The Ministry of Finance is co-operating with the Information and Privacy Commissioner in this investigation."

It's important to note that public servants and former public servants are, by and large, bound by oath not to reveal information relating to their work. Workplace issues are out of bounds, Mr Speaker. You know that and I know that. The deputy minister informed all of those

select individuals identified by the commissioner of the following, and again I'm quoting from written correspondence that was forwarded to them: "In order to enable you to answer any questions that may be put to you by the commissioner as part of this investigation, the ministry is releasing"—and I emphasize "releasing"—"you from the oath of secrecy."

If the ministry had not wished to co-operate, if they had wished to stonewall or somehow block or terminate the investigation of the commissioner, surely all they would have had to do was to have omitted that waiver, omitted the fact that we were not holding them to the oath. That would, in all likelihood, have thwarted any sort of meaningful investigation that the commissioner wished to conduct.

The ministry's decision to waive or release individuals from that very serious oath that each of them took, as they were obliged to, is clear proof, and should have been and undoubtedly was seen by those individuals as encouragement of the fact that we wanted them to co-operate, that we wanted the commissioner to get to the bottom of this. It should also be noted that many individuals were not contacted by the privacy commissioner and many of these were/are high-level government officials. Let's talk about who these individuals were whom the commissioner, for one reason or another—and I dare not speculate as to what those reasons might have been—chose not to contact, chose not to interview. Those individuals include the Honourable Ernie Eves and the Honourable Rob Sampson. Of course at the time in question, the subject time, Mr Sampson was the minister responsible for privatization. Mr David Lindsay's name came forward. She was free, of course, to contact Mr Lindsay. She chose not to. Miss Rita Burak, and I heard that name banded about earlier in this assembly, was not contacted. Mr Peter Clute was not contacted. The list goes on and on.

The privacy commissioner has suggested that some individuals would not speak to her, and I want to say very clearly that this does cause the Ministry of Finance some concern. We were anxious to ensure that she achieved full and complete co-operation, that she achieved full and complete disclosure. However, it must be recalled, and it's worth saying one more time, that it was not within the power of our ministry to compel many of those individuals to provide information and documents to the commissioner. Yet everyone in the ministry, every individual in the ministry who was asked for documents, who was asked for information, complied with those requests and did so in a timely manner. In fact, in total there were requests made to only three individuals within the ministry who were interviewed. Three individuals were asked for interviews and three interviews were granted.

It's interesting to note that the fourth individual, identified at one time as an individual the commissioner may choose to interview, was Mr Tony Salerno. Mr Salerno, the CEO for the Ontario Financing Authority—by the way, the office it has responsibility for and posts their reports to—stated by way of correspondence to the

commissioner on March 1, 2000, the following: "In the spirit of full co-operation, I would be prepared to answer any further questions or requests for clarification you may wish to submit to me." I'm advised that Mr Salerno has never been contacted by the privacy commissioner. Why? I don't know.

Finally, I'd like to submit that throughout this investigation, officials at the Ministry of Finance have approached every aspect of the privacy commissioner's review with diligence, with respect for her office and with respect for the process. I must reiterate that Minister Eves stood in this very Legislature and committed to complying with the seven recommendations that were made by the commissioner relating to the Ministry of Finance. Again I say, so that we are perfectly clear, four of those recommendations have already been complied with, one of them is almost fully complied with and the remaining two are well on their way to being complied with, and that will bring us to a point where all of the seven recommendations will be complied with by next July 31. The privacy commissioner asked for that to be done within six months of the issuance of her report, so we're proceeding about twice as fast as she anticipated we could or should.

We have pledged over and over again to follow through with her recommendations, but also to take a good look at this act. While I am aware that it is the opposition's job to inflate and overstate each and every instance where this government proceeds in what may be perceived by some as a less than exemplary fashion, I know that righteous indignation comes rather easily from the members opposite, and I guess to a degree that is the role of opposition.

I would ask you, Mr Speaker, and I'd ask the members of this assembly when they consider where we go from here, to consider a number of factors. First of all, I'll say one more time, because it's important to be repeated, you did not rule today that you found contempt. What you said, Mr Speaker, very clearly is that there was a *prima facie* case that deserves some further investigation. But it also needs to be remembered that this government devoted extensive efforts to assist the commissioner. It also needs to be recalled that the commissioner, because of legislation passed by predecessor governments, had limitations on the scope of her power. It also needs to be recalled that this government has taken timely remedial action to correct the matters addressed by the commissioner particularly as they relate to the Ministry of Finance.

Mr Speaker, I would ask you and the other members of this chamber to consider those facts as we proceed forward with this discussion.

Mr Christopherson: On a point of order, Mr Speaker: We've been attempting to get a copy of your ruling for obvious reasons. We're being told that we've got to get it off the instant Hansard, and apparently that's not yet available. I'm asking for your assistance in getting your office to provide us with a copy of your ruling.

The Speaker: We will get it as quickly as possible. As you know, the instant does still take a little bit of time. We will try to get it as soon as possible because I obviously know members would probably like to refer to it in the debate as you speak about it. We will work on that as quickly as we can and try to make the instant Hansard available as soon as possible.

Mr Christopherson: Mr Speaker, I could do that without any help from the Chair. What I'm asking is, because it was a prepared text, if your office has copies, if they could just be photocopied and handed out, it would speed up the process.

The Speaker: The problem with that is that I sometimes am not too good with going by a prepared text and may have taken some things out, added and then deleted. I would rather wait because, if I do that, there were some things in there that I purposely didn't strike out but didn't say and knew I wouldn't say. That's the problem with doing that. It's also in a print so large for me to be able to see that it was about 19 pages long. We will try to get it as quickly as possible.

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Mrs Sandra Pupatello (Windsor West): I'm very pleased to join the debate today, discussing what people in Windsor will be very interested to hear, because there is a POSO office in Windsor.

There is one of this type of bank, which is very much like a credit union, with 50,000 people who have bank accounts with this institution. What does this mean to the people on Elsmere Avenue in Windsor West? They're saying, "Could someone explain to me what the government did back in 1997?" The government took private information about Joe Smith on Elsmere Avenue, what his account number was, all the information you fill out when you open a bank account at the bank. That's the information that was turned over to a private company, and Joe Smith didn't know that it went over to a private company.

Interjection.

Mrs Pupatello: Including balances, but we're going to get to that, because ultimately we don't just need their name, address, phone number, social insurance number and the account number. I don't know if they've got the PIN, but that's quite an interesting question to ask, if they have their PIN as well. The point is that they also got their account balance. Joe Smith on Elsmere Avenue gets a phone call, not from an official at the banking institution; he got a phone call from Angus Reid, a pollster. Angus Reid started to talk to Joe Smith about his opinion and his attitude and how he'd feel if they were going to turn this institution over to private hands.

At that time, in this House, in 1997, the minister for this office of privacy, Rob Sampson, would have been sitting here day after day on pins and needles on that chair, waiting for the question from this side of the House. I am angry that we didn't know that this had happened, because you can bet we would have asked that minister, on his feet, to explain to this House how 50,000 people's personal information, like how much money they have in their bank accounts, could be turned over to

private hands, and under what conditions. What safeguards did those people have?

For two years that minister sat in this House; for two years the government was busy papering this down in a hurry: "Don't let this information out. Paper that down, batten down the hatches, here comes the question. Any day now it's going to get out." I can't imagine.

We're busy asking about superjails, which he was also busy doing, while they were hiding all this information about a major leak in the government, and today in the federal House the privacy commissioner for the federal government is undergoing this same discussion, and not just in some illusory manner, that we might consider how we have to deal with what private information is in the hands of the human resources ministry. They are saying: "Look what happened in Ontario. Look how the Ontario government bungled the handling of private information, of banking information."

I wonder how I would feel if I got a call from Angus Reid that said, "Sandra Pupatello, we understand that you have so many thousand dollars in the bank." I would be aghast to get a phone call from anyone having my private information. The Minister of Education wants to ridicule or minimize this today in the House. But this is my personal information. No one has a right to my private information, least of all how much money I have in my bank account and least of all the people on Chilver Avenue. I wonder if the Richards on Chilver Avenue would like it to be known out there that someone, we don't know who, has their private banking information, how much money they have in their account. I mention the Richards on Chilver because their son, Reade, is a page in this House and he was supposed to help deliver the petition today.

We've moved question period aside today to debate the response from the Speaker on the point of privilege raised by our member from Renfrew, where the Speaker is sending this to committee for debate because I, like many people in this House, read that Globe and Mail article several months ago. When I read it I thought, "What was that minister doing in the House for two years, sweating it out, waiting for the question that was going to come that we didn't have the information to ask: 'How could you possibly release private, personal information about your bank account balance to an outside firm? What were those conditions?'" Worse yet, when this woman, Cavoukian, finally laid her report on the table in April, what the Information and Privacy Commissioner said was quite interesting. What they concluded in their report was, and this is very clear:

The disclosures of account holder information from this banking institution to the privatization secretariat, "from privatization to Angus Reid ... from POSO to Wood Gundy," yet another firm, "were not in compliance with the" Freedom of Information and Protection of Privacy Act. Do you know what that means? That is a breach of the act, and that's what we're discussing today. The government broke the law. It is a breach of the government's own act.

The minister responsible for this area is supposed to be the defender. My colleagues would agree. We have former ministers on my side of the House. The ministers who are responsible for the area of privacy you would think would be our champions on issues like this, that those ministers would be going to the wall to ensure the protection of information, like how much money I have in my bank account. It was this minister who gave the shop away to Angus Reid so that 50,000 people out there could get a phone call from Angus Reid to ask them for private information, including a commentary on how much money they have. I wonder how the people in Windsor and those who attend their accounts at the Windsor office feel today.

A complaint was made by an account holder, and the complaint went to the banking institution, which is how the government managed to stash this aside and keep it under wraps, clamp everything down to the point where, when Cavoukian was then doing her report, she found—what was unusual about the report, first, was that they took the extraordinary step of producing an addendum to this report. This addendum outlines the difficulties that this office experienced in conducting an investigation. So not only did the government break the act; they were so busy trying to paper this over and cover it up that the people who have the job of doing the investigation were hampered. In fact, she said that “in our view,” the ministry endeavoured “to restrict the scope of our investigation and the investigative tools available to” the information and privacy commission.

Attempts to interview current and former government officials involved in those events of 1997 were met with protracted negotiations, resulted in key individuals refusing to be interviewed. In fact, this commission has concluded it's the duty of the Legislature and of the public to produce a comprehensive and timely report, and it was hindered by the lack of clear statutory power to investigate privacy breaches as well as the lack of appropriate protection for witnesses.

I must say the ministry stopped, put hurdles, put up roadblocks to the commissioner doing her job, the job that in essence was the minister's job in the first place. If I had gotten a call, as a member of the public coming from Windsor West with potentially my account in the Windsor office of the savings office, what if I had called the ministry? I wonder whose ministry I would have called. The questions Angus Reid was asking were about if I would consider the privatization of the banking institution. I might have called the privacy minister, the minister they put in charge of this issue, and then would be stunned to learn that it was this minister who sent the information out in the first place. Is this not why the federal government is so serious now in looking at and determining what they are doing with information that's held in the human resources department? Our federal government has information, the basics about who we are, when we were born and where, our social insurance number, all kinds of passport information. They wonder: “How are we housing the information. What's the database like? Is there a breach of data available?”

We all experienced the love bug virus only a couple of weeks ago. That love bug actually shut down the entire British Parliament for a day. We got off a little lighter than that. The contents and all of the issues surrounding how we hold information that is absolutely private and absolutely confidential is a world issue. That's why the federal government is so concerned about it.

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Now we have a privacy minister with the government who was the one to set up all of the hurdles when there was an investigation going on. It was this same minister who launched it in the first place, handed it over.

The questions are legion. Does Angus Reid give all of it back? Let's liken it to this massive phone blitz that Tom Long is on at the moment. He got the Conservative data bank, and the Conservatives are all mad about it now because he wasn't supposed to use a Conservative Party data bank in order to access Conservative member phone numbers so that Tom Long could call them and ask them to join the Canadian Alliance Party. Now Tom Long says he's going to give back the list. Even the government whip is laughing. The government whip is saying, “He's no fool.” Of course he's going to copy the discs before he returns them.

Interjections.

Mrs Pupatello: The new member from Hamilton, how ridiculous.

I ask you, does Angus Reid take the data electronically? Do they copy it on to a disc? Do they keep their own copy of the disc? What do they give back when they give back data? These are questions I want the answers to.

The next time Angus Reid is doing a poll, for whomever their client might be, they can say, “Jeez, I've got a data bank here of 50,000 people, and I know how much money they have.” How convenient. Just like all of the Conservative Party members of Ontario who today are furious with the Tom Long Canadian Alliance campaign for stealing the Conservative Party membership data bank in order to phone them to join the Canadian Alliance—and even believe for a minute that he's actually going to give you back the list without copying it—it's the same question we ask now of Angus Reid: Were there terms and conditions? Did the Angus Reid people come over to the ministry office and access the data from there? How did they get it? Did they get a copy of it? Did they transfer it electronically? Maybe they had it all along. We don't know.

The point is that these are questions that should have been divulged. These are questions that, in 1997, if the minister was truly committed to what his role was in the discussion of privacy and privatizing items and assets of the Ontario government, he would have laid on the table. He would have held a press conference, just like the Attorney General runs down to the Canadian Tire to spend \$3.50 on a squeegee so he can have the best available prop for his photo op, and probably \$1.99 for the pail so he can whip that squeegee in the pail when he launches his squeegee bill. What ridiculous, frankly em-

barrassing, behaviour for an Attorney General. That's what I see happening here.

That minister should have booked the media studio, walked in there and said: "We had a breach. We made a mistake. We made an error. These are the steps we have taken to correct it. Yes, we will be turning everything over in an appropriate and timely fashion to the commissioner, who is going to review and make an investigation and eventually a report." That would have been the responsible thing to do. Instead, this government, at its whim, picks up every prop imaginable when they want to get a point across to the public, when they feel they are being responsible to their constituency. This is what we see, a papering over.

I just go back to what that minister must have been thinking since 1997, sweating it out every day, day after day, each question period: When was the question coming in the House?

I was furious when I read the *Globe* article. I was furious that we didn't know this had happened, because we sat at the social development committee when we were talking about the welfare bill, the big workfare Ontario Works bill, and went around Ontario. We talked about the fingerprinting of welfare people. We talked about the potential of eye scanning, scanning of the eyes so that we could determine who those people were who were going to be on welfare. You didn't have any problem taking information of a very private nature like that, and you didn't even see that it might have been inappropriate, that you usually fingerprint convicts. You thought it was totally appropriate to do that to welfare people.

You have such a disdain for the notion that people would have any sense or any individual rights that you probably don't even think it's such a big deal that you turned over to a private firm the private information of 50,000 individuals and their bank balances. These 50,000 people, you don't know who they are. Maybe they're farmers. Maybe they're the people on Elsmere Avenue. You might not know how much money they have. That just seems so irrelevant to you. Someone came along and said, "We've got a little complaint here," and shut the operation down, and you didn't even notice the seriousness of what you had done.

Frankly, that comes down to the attitude of the government overall. That, to me, speaks to the same kind of attitude that has come out of the government all the way along, and I've been here since 1995 to watch the behaviour. We have watched the teacher-bashing time after time, all of the people the government thinks are irrelevant, so we can focus on the people who you think count today. You want to talk about the people who are going to show up at all your fundraising events and whether they're going to be thrilled with you or not. Every time it comes down to just regular folk who work every day, regular folk who go to the bank at the end with their paycheques and put their money in the bank for whatever they want to do with it in their lives, you just take that information and hand it over without a thought. When you get caught by it, even then you don't

want to tell anybody about it, because you probably don't think it's such a big deal.

But there are people here who know that there were personal privileges being violated, and I find it interesting that we now have a report tabled April 26. There was the extraordinary step of producing an addendum to this report—I don't know if that has ever happened before in the production of a report by the commission—and what is so striking is that the attempts to interview the current and former government officials involved in the events were met with protracted negotiation. Clearly these hurdles were inappropriate. Clearly you should have just said: Yes, we made a mistake. Come in and look. Help us build so that this doesn't happen again." That's not what this government chose to do.

It's interesting to note that after the 1999 election, when all was said and done, the Premier chose to put this individual back in cabinet. The Premier chose to take that same finance minister and put him back in finance. These are the people who were in charge. Those were the ministries that made the decision to paper this over, and both the Minister of Finance and the former minister for privatization, today the Minister of Correctional Services, are still sitting at the cabinet table. The Premier should have led by example. Both of those ministers should have been gone. Both of those ministers should have been brought to the table and held to account for that kind of mismanagement. Instead, this Premier put them back in cabinet, one in finance and one in corrections. And you expect, in those cabinet positions, then, to have the respect of the public? This is the same Minister of Correctional Services who is now going around the province hand-picking which communities are going to have a jail; worse yet, probably a privately run jail. Are there no rules over there? That's my big question. I keep coming back to that.

Fifty thousand people, some of whom likely live in my riding—we have an office of this banking institution in Windsor—had all of their information turned over to private hands. We don't know how or why, or when it came back, or if there's still a copy of this information somewhere. How are you calling 50,000 people to tell them that this even happened? Did you call 50,000 people to say: "The government made a mistake. The government turned over your private information. You might have received a call from Angus Reid. I can tell you that if you haven't, you won't, because we stopped it, because we were found to be in error and we have taken corrective measures." Did you say that to 50,000 people and do you think you owe that to them? That's my question for the minister who was in charge at the time, for the Minister of Finance, who should have known better, who's been sitting in this House since the late 1970s or early 1980s and has been through this.

Those are the kinds of questions we have. That is why it's so relevant to talk about it in the House today, even if it moves our question period aside and even if we can't bring those petitions to the table today. The people from

Windsor West are going to want to know the answer to that question.

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This is a government that is on a quest to privatize. We were scared last week when the Premier admitted in the House, or out in a scrum, that he's actually contemplating the privatization of the ORC and that perhaps that's the best thing to happen to the Ontario Realty Corp with the absolute scandals that are happening in that organization today. This is a prime example of why you need to have caution in the area of privatization.

I look forward to continued debate on this matter. I look forward to the questions coming back with real answers and a real look at what responsibility those ministers had, and that this will never happen again in Ontario.

Mr Frank Mazzilli (London-Fanshawe): Mr Speaker, I do take your ruling and I think it was a fine ruling. The member from Hamilton talked about contempt and all these things, but really what you said is that there's a case for debating this report in this House. That case has been made and this is the opportunity to do that.

Mr Speaker, as you know, an independent legal opinion has been tabled with you on this matter. Essentially what that independent report, produced by an independent law firm, says is that the Information and Privacy Commissioner tabled a report into things in 1997. In that report the commissioner complained of perhaps some sort of lack of co-operation. But again, that's the commissioner's opinion, that there was a lack of co-operation, and she said that in her report.

You rightfully ruled that perhaps there is enough opportunity to debate this, but in the independent summary, what it does say is that "any act or omission which obstructs or impedes"—

Ms Marilyn Churley (Broadview-Greenwood): Mr Speaker, on a brief point of order: I just heard the member from London-Fanshawe mention an independent legal report referring to the very issue we're talking about today. If he has such an independent report, I would ask that he table it immediately so all of the members can see it.

The Speaker: Just so you know—and this has come up in the past regarding reports and so on—what needs to happen for the Speaker to ask that it be tabled is if he quotes from it, and I believe the word is if he quotes from it "extensively." I don't believe he did that at the time. But just so all members are aware, and this came up in other instances in other jurisdictions, if you do stand up and quote from something, you should table it. I don't believe he did that in this case, though.

Mr Peter Kormos (Niagara Centre): Mr Speaker, on a point of order: My apologies to the member for London-Fanshawe. The member for London-Fanshawe—and again, I'm not suggesting that the Speaker was distracted during his initial remarks—very clearly was invoking an independent legal report and making reference to it by way of defence on behalf of the government. With respect, I submit that the record will show that too.

I appreciate what the Speaker says about quoting extensively, however; that's one facet. The other facet I submit to you is when it's an integral part of your argument. This isn't a passing reference to it. The member for London-Fanshawe has referred to this independent legal report as an integral part of his argument in defence of the government and in opposition to the motion. I think under those circumstances, you might consider concluding that there be more than one basis upon which an independent legal report would have to be filed, not just frequent or constant reference.

The Speaker: I understand that, and as a result of the discussions that went on, I actually did go back to the new book that was done by the House of Commons and looked at all of the precedents on this. But I will listen very carefully to make sure that the member does not refer to it.

Again, I think we've done that with the Chair of Management Board as well. If you quote from something and if you refer to it, it is only fair to have it tabled, and I would like to let all members know that. I will listen very carefully. Sorry to interrupt the member from London-Fanshawe.

Mr Mazzilli: On a point of order, Mr Speaker: In fact, I did not quote from any report but just the general principles in law that you get from an independent opinion. I did not quote from any specific report.

Ms Marilyn Mushinski (Scarborough Centre): On a point of order, Mr Speaker: The point of order did take about two minutes of the government's time. Could the clock be restored?

The Speaker: I'd like to accommodate that, but if we do that every time—I think this was legitimate. It wasn't to delay time. Sometimes, as you know, points of order are done, and I apologize to the member for doing that. The more I talk and apologize, the less time he has. But it was a legitimate point of order and we should keep the clock running, I'm afraid.

Mr Kormos: On a point of order, Mr Speaker: In this context then, I would seek unanimous consent for the government to deliver up all of those legal opinions that it has acquired and will rely on with respect to this motion and with respect to the report of the privacy commissioner.

The Speaker: That may be helpful. I think the Minister of Labour may be helpful in letting some things be known.

Hon Chris Stockwell (Minister of Labour): There's nothing that we're trying to cover up here at all. We've released all three opinions to the media. If you would like copies of those opinions, I'm sure we can provide them for you.

The Speaker: I'm glad we worked that out.

Just very quickly, the reason we have to do this with the time, the member will know, is that we divide the time up evenly. If we stop for points of order and put the time back on, then what happens is that—I don't want to say the words "louses up"—it affects our time and we don't adjourn on time. So I apologize to the member.

Mr Mazzilli: If I can commence from the beginning, and perhaps with some consent this time, I can quote from the report that has been released to the media and the members of the House at this point. I suspect there's no difficulty with that.

Essentially, the privacy commissioner, in her opinion, felt that somehow some information was withheld, but with no explanation as to problems, as to why maybe it was withheld. We heard from the parliamentary assistant that there are OPSEU contracts with rights and privileges, and employees of the ministry have those rights. Of course the privacy commissioner does not have to take that into account in her report. She can come to her conclusions, her opinions, but she does not have to respect the contracts in place with our employees in this province. But in fact, the administration at the ministry does have to respect those contracts and those rights of the employees under the ministry.

"Further, any act or omission which obstructs or impedes any officer of the Legislature in the discharge of his or her duties may constitute contempt of the Legislature." The important thing is "may."

"While the commissioner is an officer of the Legislature, the Freedom of Information and Protection of Privacy Act establishes that the commissioner is not under a duty to investigate compliance with the act, nor does she have the power to compel individuals to participate."

We certainly did not come up with this legislation. The freedom of information act came under the Liberal government. If they felt so compelled, so strong about this issue, why did they not incorporate that power, that authority for the privacy commissioner to have those powers at that time? I suspect the reason is the Charter of Rights and Freedoms, because these are arbitrary powers. Perhaps the Liberals felt that those types of powers should not lie in the hands of one individual at any given time. I suspect that is why they did not do that.

What this is really all about is a ministry that has done all the right things. They've taken the seven recommendations from the privacy commissioner, implemented four, and the remaining three are going to take a short period of time to implement. In fact what you have is the Liberals raising this issue after seven of these things have already been corrected. Do you know why? Because they don't want to talk about this.

Interjection.

Mr Mazzilli: Yes, that is the 2000 budget. That's what they don't want to talk about. Well, I do want to talk about this.

Mr James J. Bradley (St Catharines): It's out of order.

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Mr Mazzilli: It contains some interesting—

The Speaker: Just so the member knows, it is out of order. You need to speak to the particular topic we have today. It has been my indication in the past that we tend on some bills to wander off that a little bit, but in this case we are dealing with a motion that we should speak

to, and not go off into other things. It has always been my intention to try to let things go if it can be shown somehow how that applies. But I would remind the member, we need to speak to the topic and not go off and deal with things like the budget. Sorry for the interruption.

Mr Mazzilli: Thank you, Mr Speaker. Again, I was speaking to this, but I felt it was very important, in light of the situation today, because I believe that what is really behind all of this is the fact that the Liberals do not want to talk about the 2000 budget and the tax cuts and money being returned into the pockets of Ontarians. But I will go back to this bill and I will incorporate it with budget 2000 along the way that the Liberals do not want to talk about.

If I can go back to the definition of contempt of the Legislature: "The power of the Legislature to punish for contempt is a general power similar to that possessed in superior courts of law. In contempt proceedings in a court of law, the proceedings must be conducted in accordance with the principles of fundamental justice."

We have people getting up today in the House and they don't want to go through any of the rules of fundamental justice—none. They just want to give one person the arbitrary power to call people before them, no matter what agreements, no matter what the charter says, to call people before them with no legal authority and answer all of the questions. Who has that kind of power? In the House of Commons, many people wanted the Prime Minister to testify in relation to students being pepper-sprayed. Did he show up voluntarily to testify? No, he did not show up voluntarily to testify. Why? Because he was not obligated in any way to show up. So what did he say? "No, I'm not going to show up. People were pepper-sprayed. Too bad, so sad."

That's certainly not the case here. As we heard from the parliamentary assistant, the ministry not only has complied with four of the seven recommendations made by the privacy commissioner—and in my view the role of the privacy commissioner is to look into things and, if there are problems, to table a report, and then for the ministry to look at those recommendations and indeed implement them.

The Deputy Premier and finance minister did that. He looked at the seven recommendations and said: "These are valid concerns. I will implement them immediately." To this date, four of those seven recommendations have been implemented, and the other three will be implemented, as we've heard from the parliamentary assistant, by July.

It's pretty clear, if you are a privacy commissioner or an investigator of any sort and someone chooses not to co-operate, that it can be your opinion that somehow that person has something to hide, without looking at the full details. In this case, the people responsible for the ministry have obligations to their employees and to OPSEU contracts. Certainly they cannot cross the line there; they have responsibilities to their employees within the ministry.

But the second question raised by the parliamentary assistant—and this is a question the privacy commissioner certainly had not obligation to consider before coming up with her report—concerns people who are no longer employed by that ministry. Is a civil servant who left the ministry in 1997, when these deficiencies occurred—let's call them deficiencies—somehow going to be compelled to respond to the privacy commissioner three years later? Under what authority can one possibly expect that we can compel civil servants who have left employment with the civil service to come back and be accountable to the privacy commissioner? I would submit that that is a very difficult task and one that probably is not reasonable in any way.

Let me look at it this way, Mr Speaker: If the Quebec Nordiques were to call you today and compel you to appear before them and explain why in 1980—something you let in five goals, or perhaps to compel you to answer why you did not play well in a season, would you show up? I would submit not. You would have no obligation, nor would you care. By the way, they don't exist any more. This is the same sort of argument. The privacy commissioner certainly does not have to look at any of the reasons why there was lack of co-operation, but only that she felt there was a lack of co-operation.

I want to go back to the fact that the Liberals certainly know what this is all about. This is a stall tactic today, because we were supposed to be talking about the 2000 budget, about the tax cuts that have created more jobs in Ontario—703,000 new jobs and 500,000 people off the welfare rolls with their dignity back. What did all that create? A surplus in our budget. And yesterday, \$1 billion went into hospitals in Ontario—\$1 billion—the single biggest investment in health care this province has ever seen.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: (1) I believe the member is not speaking to the debate; and (2), and more important, a number of times the member has suggested that the reason we're having this debate has a bunch of other motives. Mr Speaker, the reason we're having this debate is as a result of a point of order and a ruling you made. I believe the ruling of a Speaker may be challenged by referring to the facts. We're having this debate simply because of your ruling.

The Speaker: I didn't think he was challenging. But I did warn the member, and I'm sure he will try to stick to the motion. I do allow a little bit of latitude, because sometimes things relating to budgets, health care and education can overlap. In this case we are dealing with something where we should stick to speaking to the question at hand.

Mr Mazzilli: I appreciate the ruling. In my riding of London-Fanshawe, the stall tactics of the Liberals raising this issue to overshadow an enormous investment—\$100 million into the hospitals in London—are certainly something my constituents do not appreciate. But I will go back to the ruling.

Mr Speaker, your ruling, in all fairness, as the parliamentary assistant to the Minister of Finance said, was

greatly overstated by that side of the House. What you said is that there's essentially a prima facie case to debate this issue, and that's what we are doing. I certainly have read the report; I've read the legal opinions. How many people has the member from Niagara ever seen found in contempt? Not many, I suspect. Not many, right? It's something that's extremely difficult.

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The privacy commissioner has an obligation to report any deficiencies, which she did. There were seven deficiencies that she felt occurred within the Ministry of Finance. Deputy Premier Eves took those issues very seriously and implemented them immediately, with a few recommendations taking perhaps a little longer. They will be implemented by July of this year. In her investigation, the privacy commissioner, in my view, did not have to take into account the Charter of Rights and did not have to take into account OPSEU agreements. Mr Kormos, you know what that's like: You cannot overstep the charter and OPSEU. If the Liberals felt that a privacy commissioner should have those arbitrary powers, they should have written them into the legislation in 1988. They did not. But they're sitting here today changing the subject, because they want to talk about something from the past.

Finally, the jobs that have been created in my riding and the \$100 million that has gone into health care, into the construction of hospitals, is something my constituents want to talk about. I look forward next week to the Liberals perhaps not impeding and in contempt of this Legislature, and talking about health care and cutting taxes.

Mr Bradley: I must say I detected an insult to the Speaker of the Legislative Assembly this afternoon, who made what I thought was a very fair and landmark ruling for members of the Legislature. For the member for London-Fanshawe to say there's a diversion on the part of the Speaker is preposterous and an insult, in my view, to a fair and independent-minded Speaker who, I must say, has come up with a ruling which I think is of great interest to all the people of this province.

I was watching television last night. As you know, they have somewhat of an opposition mentality in the—what do you call it?—parliamentary press gallery. When he was on television—I think he was on CTV—Bruce Phillips, who was a good friend of the Conservative Party over the years, and was made the commissioner for privacy and information by Brian Mulroney, a good friend of the members of the government, there was a big hullabaloo in Ottawa over the fact that a lot of information about people in this country is available on computers. Well, you can see why there is. I hope it's as big an issue here at Queen's Park as it was in Ottawa. I hope that from Victoria to St John's we see on the major television networks tonight Mike Duffy and Ken Shaw, and all these people who talk about important issues, talking about this issue. Surely if it was an issue in the federal Parliament, a case where the Speaker finds the government in contempt on this issue is even much more significant.

But this fits a pattern, and my worry now is that Dr Cavoukian is going to be subject to some pressure from the government. Here's why as I say that: As soon as you disagree with this government and you are in an independent position, you're given your walking papers.

You will recall that when Eva Ligeti, who was the Environmental Commissioner in the province, brought out her report in April of this year, which she should have, by the way, not in October as the present individual is going to, and that report was critical of the government, she was turfed out, fired by the government, her contract not renewed. Instead we brought in Gordon Miller, a good friend of the Premier and president of the Progressive Conservative Association in Nipissing, who was made the person in charge of the environment as Environmental Commissioner—a good friend of the government and twice a Conservative candidate, as the member from Oak Ridges would know. So Eva Ligeti learned her lesson: You get your walking papers if you're critical of this government. There's a pattern there. Roberta Jamieson, an outstanding Ombudsman for the province, did not have her contract renewed. She was given her walking papers. What sin did she commit? She was critical of this government. So this is why it is of particular note and courageous of our present Information and Privacy Commissioner to have taken the government on and been critical of the way the government handled this particular issue.

This government is notorious for keeping secrets when it wants to keep secrets and reveal information when it's convenient to them. Just try to get some information from this government on its internal workings, not information which affects people across Ontario, but what this government is doing behind closed doors. It takes weeks and months to get the information and you have to pay all kinds of money to get it. Look at what the Sierra Legal Defence Fund had to spend, the rigmarole they had to go through to get information from the Ministry of the Environment on discharges into our waterways, highly embarrassing information which showed this government isn't even charging anybody who violates those laws and showed how many people are violating the laws of this province.

I can see this government now saying, "Well, I guess it's time to look at freedom of information and privacy," because their agenda will be not to fix items like this, the one before the House today, but rather to slam the door on the media, the opposition and the interested public on information which should be available in a timely way and at a minimum cost to the people of this province.

Now, the former Speaker will be cooking up an opportunity to make some kind of amendment which will weaken this particular motion. I have that feeling. I have no evidence to substantiate it except the fact that I see him conspiring in the background with the government officials. So I have this feeling that this is coming up.

This is highly serious. Thank goodness for the member for Renfrew-Nipissing-Pembroke, Sean Conway, the dean of the Legislature in terms of years of service in this Legislature, for raising this point of order

with Speaker Gary Carr and having a ruling which I thought was a very progressive and enlightened ruling on this issue.

I want to commend once again Ann Cavoukian, who is a person of great courage and integrity prepared to raise this issue.

John Ibbitson of The Globe and Mail, who as well is the author of a book on the Mike Harris government, said in his column of Saturday, January 8, "The Ontario government committed a major breach of the privacy rights of tens of thousands of Ontario bank depositors two years ago by handing over to a pollster"—that's to a pollster—"the names, addresses, phone numbers and account balances of depositors of the Province of Ontario Savings Office." That is absolutely appalling, but not surprising to me, because this crowd across from us is possessed with privatization and doing things for its friends in the private sector. It was bound and determined that it was going to privatize the Province of Ontario Savings Office, an outstanding institution which has served people very well, which certainly doesn't want to be privatized and its people don't want it to be privatized.

I'm going to repeat that information for people at home who may not have recognized the importance of it:

"The Ontario committed a major breach of the privacy rights of tens of thousands of Ontario bank depositors two years ago by handing over to a pollster the names, addresses, phone numbers and account balances of depositors of the Province of Ontario Savings Office.

"The pollster then started calling the depositors to survey their attitudes toward possibly privatizing the provincially owned bank.

"When customers complained about a polling firm having access to their confidential records, the Ministry of Finance quickly shut the survey down and launched an internal inquiry."

But they already had been caught with their hand in the cookie jar. The minister of privacy in those days must have been sweating through six or seven shirts each day wondering when a question was coming. But they had done such a good job of hiding the information, of keeping it secret, instead of calling a press conference and saying, "A major, appalling mistake has been made in revealing personal information about depositors with the Province of Ontario Savings Office." Instead of doing that, with the Tory backdrop, the way they always have a blue backdrop with the Tory message on it, they're skulking around the halls of Queen's Park and the corridors hoping and wishing that no one will find their hand in the cookie jar, their hand in the till in this particular case because we're talking about the depositors' savings.

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Mr Ibbitson goes on to say:

"Fortunately for the government, word of the breach never leaked out. If it had, privatization Minister Rob Sampson would almost certainly have lost his job. Finance Minister Ernie Eves would have been under pressure to resign and the government of Premier Mike

Harris—already under siege over an approaching province-wide teachers' strike—would have had a second major political controversy on its hands.

"The disastrous misstep remained the government's secret—until word of the affair was leaked to the *Globe and Mail*."

This is absolutely appalling. We have a Province of Ontario Savings Office in St Catharines. I'm wondering—and I'm sure some of my colleagues are—if the government of Ontario will now be sending out a letter of apology to all of the people they have offended by leaking this information about them. They are going to be large as life sending out the \$200 cheque, which is a cheap political trick for them. They have all this information they put out. They spent over \$100 million on government advertising before the last provincial election, paid for by individual taxpayers. One wonders now whether they will be sending out an apology for misusing the private information of depositors with the Province of Ontario Savings Office. I somehow don't think they will.

They think they can get away with it. They know the long weekend is coming up. They know that next week is constituency week and the Legislature won't be sitting. So they're hoping this will go away. They're hoping the news media will forget all about this. Well, they're wrong, because members of the news media watch the proceedings of this House. They're aware of the importance of this particular issue to people in Ontario.

Interjection.

Mr Bradley: The member for Brampton Centre says the media are the opposition. I don't think any independent observer would say that. The last time I read the *National Post* it was cheerleading for whatever you were doing at the time. There are just a few newspapers and a few television stations that treat you quite nicely, the people who make the big decisions at the top. I'm not talking about the people here—people here are very fair—I'm talking about the people at the top who make the decisions. I don't think any intervention from the government in the sense that you don't get a fair break in the media would cut any water with anybody.

John Ibbitson goes on to say in the article, "Created in 1921, initially to assist farmers, the provincial bank boasts 25 branches and 90,000 chequing and savings accounts, with \$2.1 billion in deposits."

What happened was that they were going to gather this information on people and give it to a private polling firm, in this case Angus Reid. If you think, "Well, we can get it back and they won't keep copies of the lists," when you give out lists, as we found out with Tom Long—I don't think the member for Durham East, as it used to be called—is it still Durham East?

Mr O'Toole: Just Durham, all of Durham.

Mr Bradley: Just all of Durham. I don't think he gave his lists out to the Tom Long people. But the people who did give the lists out know that even if they get them back, somebody has made photocopies.

You'll remember in this House, on the issue of private information again, I asked the minister, who is the Chair of Management Board, to table in the House all polls which have been commissioned by the government of Ontario, the cost of those polls, the content of those polls and the answers in those polls, because the government is using taxpayers' dollars to poll people in this province and then keeping that information secret to itself.

I know, because these members ran along with Mike Harris saying that they were going to end all unnecessary expenditures, that they would not be undertaking this. At least I thought that the case. But we find out it isn't. Was the information forthcoming? No. The minister refused to table it in the House or reveal it in the House. He just tried to baffle his way out of the question.

I challenge the government now, under the provisions of the Freedom of Information and Protection of Privacy Act, to provide the results of those polls to all members of this Legislature and to the House. Otherwise, the Progressive Conservative Party, and not the taxpayers of this province, should pay for those polls, and indeed for the kind of self-serving, blatantly partisan government advertising to which we've been subjected over the years.

What we found out is that the government has broken the law in this province. That's what the commissioner, Dr Ann Cavoukian, has said. The government broke the law, and we know the government covered up, and now they can't be allowed to cover up the cover-up, which of course is what they're trying to do. It broke the law by releasing private, personal information to outside firms. The *Globe and Mail* called the breach disastrous and said that the government's secret would have stayed secret if it had not been leaked. In other words, they were prepared to keep it a big secret behind closed doors.

Key officials refused to be interviewed, if you can imagine that. They blacked out portions of key documents. So you get the document and the good part of it is all blacked out so you can't read it, making the document less than useful in some cases. They dragged their heels at virtually every step along the way. So much for the codes of conduct, so much for responsibility and accountability and so much for respect for the law. These folks here are the law-and-order crowd, they say. We know they're soft on environmental law, because they refuse to prosecute and bring to court violators of environmental laws. Now we know they're prepared to break this particular law.

The government must not be allowed to cover up. I think most of us agree with that. I'm glad we're having this debate. The member for London-Fanshawe said they're trying to divert attention to something else. I point out that it was the Speaker himself who made this ruling, which precipitated this particular debate. It's embarrassing to the government, no question about it. It's an extreme embarrassment to this government, and not just the fact that they released this private information concerning depositors with the Province of Ontario Savings Office, but also because they tried to cover it up,

because they were, to put it very kindly, less than forth-right.

The government must send this matter to a legislative committee for investigation now. There's no question about that. We don't want a situation where we have the government members simply taking orders from the whip in the committee to do exactly as—we hope it's an open and freewheeling inquiry. I would think that fair-minded members on the government benches, those who aren't simply trying to ingratiate themselves to the Premier and the Premier's staff so they can advance to the cabinet, fair-minded and independent-minded individuals within the government, will want to get to the bottom of this and ensure that it doesn't happen again.

The government cannot be allowed to turn that investigation into a sweeping review of legislation instead of a targeted investigation of what happened in this case; they are two separate things. I happen to believe, for instance, that the privacy part and the freedom of information part should be separated. The member for Kingston and the Islands has said that on numerous occasions, and I think it's sage advice in that particular case.

We know as well that this government keeps other information. It has kept—for how long, six years?—information about—

Mr John Gerretsen (Kingston and the Islands): Seven years.

Mr Bradley: Seven years—people on welfare, and there's another instance where they've kept it.

Mr Gerretsen: Unfounded allegations.

Mr Bradley: Unfounded allegations, snitch lines. They keep this information. They're supposed to get rid of it after one year, certainly no more than two years. But they keep it.

Now, for the ones they think might support them, for the snitch line on people who are evading taxes, that line shut down. I'll give you, Mr Speaker, the challenge of trying to determine why they would shut down the snitch line on tax evaders and not on others who are supposedly defrauding the government of Ontario in another way. I would suggest to you they know who their friends are and who they don't want to offend.

The government has been missing the point. The problem with the law is that the government broke the law and then the government tried to cover up. The commissioner has asked for the law to be toughened precisely because she was obstructed in this case. The portion she wants tightened is the portion which deals with the release of private information about individuals, not government secrets over there that you're just going to be embarrassed by, but rather information which is private.

The government broke the law, it covered up and it must be held accountable. That is why I am so pleased that my colleague, the dean of the Ontario Legislature, having served now for almost 25 years in this august body, raised this issue in such an articulate and informed manner the other day with the Speaker. The Speaker, to his credit, took the necessary time and effort to carefully

evaluate the question and the contention brought before him by the member for Pembroke, Nipissing and other parts of the riding. I want to commend him for that.

I believe that as a result the news media will be aware of this. I hope all of the taxpayers in this province, and particularly those who have been offended who are depositors in the Province of Ontario Savings Office, will remember this and call this government to account.

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Mr Kormos: First, I'm disturbed by the attempts of some of the participants in this debate this afternoon to try to diminish the seriousness of this. The fact that, clearly in violation of section 61 of the protection of privacy and freedom of information legislation, something which was an important event—that law in its own right was an important event in this province's history in terms of guaranteeing access to information but similarly protecting the privacy of information in the custody of the government.

I can't think of anything as repugnant as the trust that depositors place in a bank—and here we're not even talking about a corporate bank; we're talking about the province of Ontario savings bank and the incredible level of trust that people place in that bank when they entrust it with their money, with personal data regarding their incomes, their assets, the balances of those accounts, the nature of money coming in and out of those accounts and, as has been mentioned, their social insurance numbers, other references perhaps, locations of other bank accounts, locations of investments, locations of other financial obligations. This is as egregious a violation of individual privacy as could ever be committed. I am beyond merely confounded; I am very disturbed by the proposition, "Oh, it was 1997." One of the reasons for the delay in the report of April 26, 2000, to this Legislature—

Mr David Caplan (Don Valley East): Obstruction.

Mr Kormos: —was the compounding of the violation of section 61 of the Freedom of Information and Protection of Privacy Act, the compounding of that violation to the outright—

Hon Rob Sampson (Minister of Correctional Services): Come on outside. Say that outside. I'll call the media.

Mr Kormos: This is like the schoolyard. Somebody is getting called outside here, Speaker. Let's go. My goodness.

The Acting Speaker (Mr Tony Martin): I find that behaviour unparliamentary and would ask any member in this House not to behave in that manner from here on in or they will be asked to leave. He has already left, so I don't have to do that. Would the member continue, please.

Mr Kormos: My apologies for that interruption, Speaker. In any event, I don't know whether he was calling me outside or not. If I thought he was calling me outside, I would have gone out and joined him. I'm getting old, but heck, I can still pull it off when I have to.

Let's not demean the seriousness of what's happening here. The suggestion that this took place in 1997 and somehow therefore isn't or shouldn't be subject to an investigation now is spurious, because the reason it took so long for this report of the Information and Privacy Commissioner, Dr Cavoukian, to reach this Legislature is because of the obstruction and the stonewalling by this government and by its most senior elected officials.

Very specifically, let's understand who the people are who are calling the shots here: a Minister of Finance, who is the same Minister of Finance today as was the Minister of Finance in 1997, and the minister for privatization, who I understand was then Mr Sampson. This was a joint effort.

And let me go one further. What makes this even more repugnant is that the exercise was all about the prospect of privatizing yet another public institution in Ontario, the Province of Ontario Savings Office.

Interjections.

Mr Kormos: Speaker, please. Can some of these members conceal their emotions a little better? I understand that this is uncomfortable for some of the members of this Legislature, but to engage in the schoolboy tactic of calling somebody outside is really carrying it a little too far, isn't it, Speaker? Besides, between Mr Caplan and Mr Sampson, he's got some weight on you and some length—some reach.

The Acting Speaker: The member will know that you are not to refer to members by their names. Refer to them by their ridings if you're going to do that, please.

Mr Kormos: Weight and reach—my money's on Caplan.

What makes this even more repugnant is the fact that this wasn't an exercise to let's say improve the nature of services that the Province of Ontario Savings Office was providing to its clientele. It wasn't about making the Province of Ontario Savings Office a more effective source of banking services for its patrons. The purpose of this exercise was to dismantle and accumulate data and some justification for the privatization of a historic and important public institution here in Ontario.

For any member to treat lightly what amounts to a specific violation of section 61 of the freedom of information act is unbecoming to any of the people in this chamber, people of elected stature and people with responsibilities not only to their own constituents but indeed to the whole province.

In January of this year—January 8 specifically—Marilyn Churley and the New Democrats very specifically called out for a public inquiry and an appropriate investigation into this whole matter with a view to determining whether or not there had been a violation of section 61, which is the offence—we're talking here about an offence. We're talking about breaking the law and the prospect of the law being broken by, among others, two of the most senior members of this government—people in cabinet, people with accountability not just to their own constituents by virtue of being members of the provincial Legislature for their riding, but people who have an elevated level of responsibility, not only to

their own constituents or to their own political party or the political party's interests, but to the broader public interest. These are among the people we call upon to uphold the law. Clearly the report of Dr Cavoukian cries out for an investigation—a criminal investigation—into the conduct of not only those most senior elected members, two members of Mr Harris's cabinet, but also the most senior of appointees in well-paid managerial positions.

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The impression I got from Dr Cavoukian's report was that these data weren't even called for by the pollsters or the broader accounting type of firm, Wood Gundy, being called upon to prepare it. Everybody's saying no, but somebody was saying, "Please, you must." My suspicion—it's only a suspicion, please, without a proper investigation—my strong suspicion at this point is that even the people from Wood Gundy and Angus Reid were fearful of being given this information because even they knew at the time it was forced upon them that it was the result of somebody breaking the law. That's clearly an inference that has to be drawn about their reluctance to take this information in the first instance—the most sensitive and private information that people could ever accumulate in their lifetime; information entrusted not just to a banking institution but a publicly owned institution that people identify very much with their own government, with their own province, the last banking institution they would expect to see violating their privacy.

I have some of the same concerns other members do about the mere reference of this matter to the Legislative Assembly committee. I've had enough experience here with government-dominated committees—and I'll not be partisan about that. I'll leave it at this: I've had enough experience with government-dominated committees to understand that they can more often than not be less effective rather than more effective at getting to the real issues; that the government members can use their majority in a very partisan way on these committees to obfuscate, to do more stonewalling, to redirect matters away from—well, yes, from where the smoking gun lies.

I, of course, will support the motion and I would expect that every member of this Legislature has to put aside their partisan ties, their partisan nature and understand that we're being called upon here to do something that goes beyond the partisanship of fighting an election campaign. This is a very important step. One of the speakers, the member from London-Fanshawe, talked about how rare it is for this to happen, didn't you? I agree with him. It's an exceptional thing to witness a contempt of Parliament, and that is what has been found to have occurred—a contempt of Parliament. What we are witnessing here—

Hon Mr Stockwell: On a point of order, Speaker: This point must be clarified. It was not a contempt that was found; it was a *prima facie* case of contempt, which is very different, and the member opposite, being a lawyer, would know this.

The Acting Speaker: OK.

Mr Kormos: Precisely the point: I do know what *prima facie* means. What we have here is a finding of contempt. Were there not a finding of contempt, the Speaker would not have been moved to invite Mr Conway to present his motion. It's because—

Hon Mr Stockwell: On a point of order, Speaker—

The Acting Speaker: Order.

Interjection.

The Acting Speaker: No member in this House can correct another member's record, but in fact the Speaker did find *prima facie* contempt as opposed to contempt, just to put that on the record.

Mr Kormos: Quite right, which is why we have this motion before the House inviting the government to defend itself, inviting the government to present sufficient evidence to overturn, or cast doubt, at the very least, on the finding made by the Speaker today. That's what the process is all about. We wouldn't be here had there not been that finding made by the Speaker. We wouldn't be debating Mr Conway's motion.

Look which just happened, Speaker. That's the very sort of pettifoggery in efforts to distract from what's going on that can be utilized by a government majority in committee. It's the sort of stuff that, again, I have witnessed over the course of a number of years now far too often. I have no control over that, but I can plead with the members of this assembly to support this motion, because the government being put into this position as a result of the finding of the Speaker, if there is not an opportunity for the government to offer up its defence, if you will, then I put to you that the finding of contempt stands, Speaker. Do you understand what I'm saying? Because that's what "*prima facie* contempt" means, that in the absence—

Interjection.

Mr Kormos: That's what it means, I'm sorry to tell you this. In the absence of anything to the contrary, you're stuck with it.

The government has talked about its legal reports, and I'm sure that the taxpayers of Ontario have spent a pretty sum over the course of the last several weeks, at the very least, preparing what are legal briefs designed not to be conclusive about whether there was a violation here of section 61 of the freedom of information act, not to be conclusive about whether there was an obstruction of justice in the course of the investigation by the privacy commissioner, but simply indicating the sort of legal arguments that might be made depending upon the type of evidence that's available—purely speculative at their best, and with no disrespect to the well-paid authors of those legal opinions.

We've got more than one issue here. The purpose of the Legislative Assembly committee is to give the government an opportunity to explain why the contempt finding of the Speaker should not stand. Do you understand what I'm saying, sir? But this issue goes far beyond the mere contempt that has been shown for this Parliament and the rules of procedure and the rules of this House and for the people of Ontario. This goes well

beyond that, because this goes to the need for a specific investigation into a violation of section 61, a specific investigation into the conduct referred to by Dr Cavoukian, which suggests obstruction of her investigation by any number of players, and it also goes to the ministerial accountability, the need for ministers to accept responsibility for what took place during—as has been said by so many—their watch, while they were on guard, while they were responsible for performing their duties to ensure that this breach doesn't occur. Yet in terms of cabinet or ministerial responsibility, the very suggestion isn't so much that not only were they not there to ensure that the breach didn't occur; the suggestion very much is that they were very actively participating in the breach.

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The people of Ontario have been confronted today with findings that suggest they have at the helm a government that feels it is above the law, a government that finds itself quite prepared to break the law and a government that, when it has broken the law, is quite prepared to stonewall—

Hon Mr Stockwell: On a point of order, Mr Speaker: The speaker cannot accuse the government of breaking the law. That's out of order.

Mr Kormos: I very much accuse this government of breaking the law.

The Acting Speaker: I'm trying to give the speaker as much leeway as possible. This is a very difficult issue and speaking to it is a challenge, I'm sure. I would prefer, though, that you not accuse the government of breaking the law and that you withdraw that particular point.

Mr Kormos: Withdrawn.

There's clearly evidence that substantiates an allegation that section 61 of the freedom of information act has been violated. There is clearly the suggestion inherent in Dr Cavoukian's report, based on her experience and her efforts to investigate the serious assault on the privacy rights of Ontarians by this government, that there was obstruction of her investigation. I submit to you, because I'm prepared to stand with those allegations—

Mr Mazzilli: On a point of order, Mr Speaker: Clearly there's an opinion from the privacy commissioner, no evidence. So I would ask—

Mr Kormos: I stand here on behalf of the residents of the communities I represent and I stand here with other members of this Legislative Assembly who find this sort of conduct by this government repugnant. It cries out for thorough investigation. It cries out for a public inquiry. It cries out for committee investigation. I tell you, every member of this House is obligated morally and as a member of Parliament to support this motion.

Hon Mr Stockwell: I want to deal in my 20 minutes with a series of issues that have been brought before this House. I firstly want to say to the members of this House, and speaking on behalf of the government, a couple of things. First, we are not taking exception to the ruling the Speaker made today. But let us very clearly understand the difference between *prima facie* case of contempt and contempt itself.

The Speaker decided, on the submission made by my friend from Renfrew—and a very good submission, I might add, well documented and thought out. The submission was put to the Speaker that, in the opinion of the member from Renfrew—not the officer of the House, but in the opinion of the member from Renfrew—there was a case of contempt of the Legislature. Let's be clear, my friends. It doesn't mean that he has made the case for contempt; it just means that he suggests there could be contempt. Now, the Speaker's—

Mr Kormos: On a point of order, Mr Speaker: You see, the Minister of Labour misrepresents prima facie. "Prima facie" means that if there's no evidence adduced to the contrary, the contempt stands.

The Acting Speaker: That's not a point of order, member for Niagara Centre. Minister of Labour.

Hon Mr Stockwell: When he's saying "misrepresents," it's out of order. Now listen. The fact is that he's suggesting that there may need to be some review. Now that's the prima facie case. There was no contempt found. It's not in the Speaker's power to find contempt. That's how the Legislature is structured. For a thousand years that's how the Legislature has been structured—a thousand years. No Speaker finds contempt. It's a prima facie case the Speaker looks at. The submission made by the member for Renfrew was a good submission. It was well documented and thought out. But let's now deal with the case of contempt, because that's now what we're supposed to be speaking to. We're talking about the ruling. We accept the prima facie nature. Now we have to deal with the facts as they are. The facts as they are, are before this House, and the facts are steeped with all three parties in the driver's seat when this act was in fact adopted.

The privacy commissioner act was instituted in 1986 when the coalition of the NDP and Liberals were governing the good province of Ontario. My friend, the member for Renfrew, held many important ministerial positions during that time. Now, in that act there was contemplation to give the officer of this House the powers to subpoena witnesses and cross-examine them. At the time, the duly elected Legislature, dominated by my friends the Liberals and NDP, decided that wasn't acceptable. They decided that this officer of the Legislature should not have those powers, that that was too far; it was too much; it wasn't acceptable to them. They asked to draft the legislation excluding the powers to call witnesses, cross-examine and subpoena. It was accepted. On balance, it was reviewed in 1991 by my good friends opposite, and the member who just spoke was part of that government sometimes. When they reviewed it in 1991, they agreed that those powers shouldn't be put into this act for the privacy commissioner, an officer of the House.

It doesn't stop there. In 1994, it was reviewed once again, under the opposition today, the NDP, and the member, who was a part-time member at the time as well, and he had the opportunity to review it at that time, and the request was again discussed. Once again those

powers were not given to the privacy commissioner. The privacy commissioner could no more call a witness, cross-examine or subpoena anyone in the 13 or 14 years they've been in this place.

So the question, then, drives to contempt, because that's what we're debating today. I listened very clearly to the member for Renfrew and gave him every opportunity to speak, and his motion is calling for a committee to review this issue of contempt, this prima facie case of contempt. That has been decided. The Speaker decided that. It says in his motion, "Considering in light of your ruling that there is a prima facie case of contempt." Now that is over. The prima facie debate is over; it has been found. We now debate the motion before this House, and as part of that motion there needs to be an opportunity to discuss the contempt.

If there were truly contempt, there would be redress. The act would have redress for contempt. The act is silent on redress. The act does not compel witnesses. The government is in the situation of advising those people who have been asked to meet with the privacy commissioner that they can meet with them, but we must provide them with all the legal information and tell them that they are not compelled to meet with them. That's the situation the government finds itself in. So we inform those people who would like to be interviewed by the privacy commissioner: "The privacy commissioner would like to talk to you. There's no legal, compelling reason that you have to go, but we're going to go." That's the situation the government finds itself in, caught between the position of an act adopted by the party of the members opposite and the real issue of the prima facie case of contempt. What did the government do? The government said to all those important people who were set in line, Messrs Eves, Sampson, Salerno and others: "Let the privacy commissioner know you're willing, able and prepared to be interviewed. You would welcome this."

Mr Conway: Not true.

Hon Mr Stockwell: I say the member is out of order. I've got letters from some of those people saying that to the privacy commissioner, saying just that.

Mr Conway: Not true.

The Acting Speaker: The member from Renfrew-Nipissing-Pembroke is out of order. Please withdraw that comment.

Mr Conway: On your command, I do so, Mr Speaker, but we know what we know.

Hon Mr Stockwell: I think you know what you know, and others know what they know, and sometimes it's not the same.

Now I read the report. In the report itself we discuss remedies. In the report itself the privacy commissioner, good person that she is—I was Speaker of the House when she was an officer of this place. I hold no umbrage with her. I think she's a good and hard-working person. But in the report itself, in appendix E, six or seven pages long, she talks about recommendations to fix this. The recommendations include dealing with the act itself and

giving her these kinds of pronouncements and powers. We as the government, reading this report, say, "If these are the kinds of powers that you need to do your job better, not given to you, I might add, by the Liberals and not given to you by the NDP, then these are important powers that we would like to send out to committee."

The argument seems to be that we should not simply send this out to committee but that we should unilaterally act, invoke these powers, with no opportunity for the other side to have any questions and comments with respect to the need. We don't think that's very good. We think if we need to fix the act and address the problems as contained in the report by the privacy commissioner—and I'll point everyone to appendix E, where she spends six or seven pages talking about corrections to the act that she feels she needs—then we should send this to a committee of this House and they should review the act, review the recommendations and make certain changes and vote to determine whether or not this is something we want to go forward with in the future.

Mr Conway: And POSO be damned.

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Hon Mr Stockwell: I'm quite certain at that committee the recommendations regarding the report will be discussed and will be vetted.

Mr Conway: There's an apologist.

Hon Mr Stockwell: The member opposite for Renfrew suggests there's an apologist here. I can only suggest to the member for Renfrew that when this act was being drafted, with your foresight and intelligence, I don't know why you wouldn't have included these comments and these allowabilities within the act so that they could call witnesses, they could call people and they could have the power to cross-examine. But it wasn't there. So we're living under the same act that the previous administrations lived under.

Mr Conway: I didn't think Finance could break the law this way.

The Acting Speaker: That's out of order, and I would ask you to withdraw that comment.

Mr Conway: What's out of order? I respectfully submit that I have a report in my hand from an officer of this assembly, Ms Cavoukian, who said that the Ministry of Finance broke the law.

The Acting Speaker: I have ruled it out of order. I have asked you to withdraw it.

Mr Conway: Then I have to abide by your ruling.

The Acting Speaker: Withdraw.

Mr Conway: I withdraw, surreal as the—

The Acting Speaker: Just withdraw, please.

Mr Conway: I withdraw.

The Acting Speaker: Minister of Labour.

Hon Mr Stockwell: The fact remains that every person deserves their day in court. I understand that the privacy commissioner feels and is upset and is frustrated, but that doesn't constitute contempt or breaking of the law. If there was breaking of the law, as I said earlier, there would be redress. There is no redress. So if there's

no redress, how is it they broke the law? The fact is simply this—

Ms Churley: You're smarter than that.

Hon Mr Stockwell: I say to the member for Riverdale, if in fact what I've said is incorrect, go to the act, as the member for Kingston has done, and point out to me the clause in the act that would suggest that. We co-operated. There was a frustration with the officer of this assembly with the amount of co-operation she felt she received. There's no debating that. We've all read the report. We understand that she felt there was some frustration. I accept that frustration, but in our opinion we lived up to the letter of the law.

I ask any of the members in this House if they did not feel they lived up to the letter of the law. That's why you have three or four legal opinions before you today telling you there's no contempt. There's no contempt because, according to the act that is in place today, the government of the day did what it was obligated legally to do. The question then becomes, how do we compel the bureaucrats who work within these ministries to go and be witnesses and testify when there's nothing that compels them by law?

Ms Churley: Chris, what has happened to you?

Hon Mr Stockwell: I say to the member for Riverdale, nothing. I say to the member for Riverdale, all I'm dealing with are the facts as presented. I understand the opposition's role in this and I understand hyperbole and I understand the charges, and I understand, somewhat, the frustration, but if you want to take this to the nth degree, then I ask you to go out and talk to your friends in the legal community and ask if there was contempt. The fact is, there wasn't. Was there frustration? Yes. Were there some difficulties? Could be. But that doesn't mean there's contempt. Contempt is a very important charge to level against people. When an officer of this House brings forward a report like this, I understand the prima facie case, but then we must move beyond that and ask ourselves, was there contempt?

I know that the member for Kingston and the Islands is a lawyer, and I know that when he goes to review this he's going to have to decide in his mind, according to the information provided and the act as it reads, was there contempt? In my humble opinion, and in the opinion of others I have spoken to in the legal communities, and also very, very learned people in the legal communities, at Fasken Martineau, and Hicks Morley—and the other one, I can't put my hands on now—they're suggesting to us that there was no contempt.

The question then is, how do we remedy this? Well, the remedy that the government's chosen, in my opinion, is a good one. We put a motion on the order paper a couple of days ago that would have referred out the act to a committee so it may be vetted and discussed, so that the act could be fixed and accepted and administered and changed to the satisfaction of the commissioner, the Liberals, the NDP and the government. That is what the recommendation, in my opinion, from the government is.

Further, with respect to reforming the act and what's contained in it, I know of no other act regarding an

officer of this House that hasn't been changed and reformed in the same fashion that we're offering today. If there's unanimous consent to change it that's one thing, but there's clearly no unanimous consent on the changes here. I know of no time in the past where an officer of this House had their act amended and changed where it wasn't sent to committee and discussed by a committee of this House represented by all parties. I know of no time when we've done that. This is completely consistent with the way we've worked in the past.

In closing, I just want to say once again, what we have here today is a *prima facie* case of contempt. In Mr Conway's motion he said, "I move that, in light of your ruling that there's a *prima facie* case of contempt, the special report to this Legislature" But the Speaker has said there's a *prima facie* case of contempt.

Now today the motion is arguing about how we send this out. The argument on this side of the House is, although there may be a *prima facie* case of contempt, it doesn't necessarily equate to contempt. It's a very, very select point but it's very important that we understand that. There was no contempt found in the ruling today. There was no contempt. There was a *prima facie* case of contempt. In the Speaker's opinion there's evidence.

We've consulted broadly, we've examined the act, we've sought legal opinions, and no one that we have spoken to in the legal community who reviewed this for us has found a case of contempt. I say to you, the members opposite, the reasoning is is how the act was drafted in 1986. It was drafted exactly the way it was meant to be.

In conclusion, when you draft an act that doesn't give the officer of this House power to subpoena and cross-examine witnesses called, doesn't compel those people who work within the bureaucracy—not just ministers of the crown but actual bureaucrats—to testify and they don't testify, how can there be contempt? How? If they're exercising the rights they are given under an act passed by this House that are legal and accepted, how can they be in contempt? They can't. That's how the law reads. If you don't like the law, change the law. But you can't demand something of someone that gives them protection in an act adopted by a duly elected Legislature in the province of Ontario.

Further, offers were made by the most senior people in this government to meet with the privacy commissioner, some in writing. Those were never accepted. We may compel ministers of the crown, of the executive, to meet, we may ask the senior bureaucracy to meet, but we cannot compel individuals employed within the ministry to subject themselves to a cross-examination through a witness subpoena program when the law states they don't have to. You're asking us to say that we're in contempt by forcing an employee to go to a meeting they legally don't have a responsibility to go to.

Ms Churley: That's the same argument.

1630

Hon Mr Stockwell: That is as sound an argument as you're going to find. That is as sound an argument as you

can get. We cannot force people to be interviewed under this act, because the act doesn't provide the power. The point is simply this. It's simple. It's a very structural point. It's integral to the argument, very integral. It is the argument, the member for Renfrew. It's a simple true but accepted argument. I demand anyone to suggest how it is you can go about getting around that.

In conclusion, the government is offering to review the act to provide more power to the privacy commissioner to ensure that in future she be allowed to compel people to be interviewed. That's our step. It's an initiative that we are requesting that was refused under the Liberals and refused under two NDP administrations.

My position is it's a sound approach, it's an accepted approach. It deals with the *prima facie* case of contempt, it deals with the application that there is contempt, it deals with the recommendations under the act and we agree that those recommendations will come forward within the report. I ask that this be adopted by the House. It's a fair and reasonable approach to what I consider a very difficult situation.

Mr Gerretsen: Let me first of all say, if you want to do anything to improve this act, we're 100% with you. But that's not the only issue here, sir. The issue here is that the financial information on 50,000 customers of this bank was given to two agencies that did the right thing and turned it back. That's the issue here.

What does Ann Cavoukian herself say about needed changes to the act? Let me just quote to you what she says:

"I would be concerned with any limitation contemplated to our access to information rights in the province of Ontario. I think we have a very healthy access to information legislation. We have enough powers. It's working. It's been working for some time. I think it works very well. It's very efficient. I see no need to review that side of the legislation at all."

Let's get things straight. We're dealing with two issues here: one, the fact that the law has been broken; and two, the fact that the Speaker found a *prima facie* case of contempt. Let's deal with the first issue first.

The law has been broken. Subsection 61(1) of the freedom of information act is quite clear. It says, "No person shall wilfully disclose personal information in contravention of this act." The law has been broken. Now it may very well be that the penalty clauses aren't sufficient or that the powers of the commissioner herself aren't broad enough to get a better grasp of the information that's out there and that could all be improved. But the law has been broken.

I will just refer to the report itself and use Ann Cavoukian's own words. What does she say about all of this? First of all, I think the member from Renfrew ought to be congratulated for raising this point a week ago last Thursday. I guess it slipped by most of us by that point in time. When our privileges are breached here, and the officers of this assembly are part of this assembly, and their privileges are breached, it affects each and every one of us. A breach of privilege of a member of Parlia-

ment is extremely important. Every text on this talks about this as being one of the fundamental foundations of the parliamentary democracy that we have.

The other individual who ought to be congratulated is John Ibbitson. If he hadn't written his article back in January, we might still not have heard anything about this.

I put it to the former minister of privatization, who happens to be in the House right now, what does he think of the very first recommendation that Ann Cavoukian makes in her report to the government in which she says, "Upon learning of a possible incidence of non-compliance with the Freedom of Information and Protection of Privacy Act"—and certainly that minister knew, when he, as minister, authorized that information to be released back in 1997—"a government organization should notify the commissioner as quickly as possible."

This is another issue, but I'm just wondering to myself—and I'd like the people of Ontario to think about the fact—what would have happened if Ibbitson had not written that article back in January of this year. We would still have heard absolutely nothing of it, and the private information of 50,000 Ontarians would've been out there, as it was two years ago. What does that private information contain? Let me just turn to that.

In her report, on pages 8 and 9, on a CD-ROM, Wood Gundy and Angus Reid were provided with the following information of these 50,000 depositors: their name, their address, their social insurance number—is there anything more sacred than our own social insurance number?—their telephone number, their account number, their account balance, their account status, the POSO branch that it was located in and their language of preference. That is the information that was openly given by the ministry of privatization to Angus Reid and to Wood Gundy. Let me tell you, those two private firms did the right thing. The moment they got that information, they said: "Oh, wait a minute. This isn't right." They immediately got in contact with the ministry, and presumably some kind of action was taken at that point in time.

Why was that information made available to them in the first place? We certainly have the right to know from the people involved as to why that was done, contravening this act. That's only one part of it. We've heard an awful lot about the fact that this information was out there and this is a disgrace in itself, but let's deal with some of the issues after this came to light in January of this year.

How did the ministry respond to Ms Cavoukian? I will just read to you right from her appendix to her own report in which she talks about the "Obstacles We Encountered During this Investigation." She states:

"(1) During the period from January 13 through January 31"—remember, Ibbitson had written his article on January 8 and on January 9 the commissioner said, "Look, as a result of this article that you heard about this afternoon we've got to have an investigation." So she now contacts the ministry.

What does she say? "During the period from January 13 through January 31, the Minister of Finance engaged

our office in a series of protracted discussions designed, in our view"—in the view of the privacy commissioner—"to restrict the scope of our investigation and the investigative tools available to us...."

"(2) We were asked to conduct primarily a paper-based review of the events that had transpired and only to conduct interviews, if necessary, to clarify any ambiguities or uncertainties. We were also asked to provide interviewees with the written questions we intended to use in advance of the interviews to be conducted. We," meaning the privacy office, "did not agree to these terms."

"(3) On January 25, 2000 we received a letter from the Deputy Minister of Finance which began by questioning our authority to conduct this investigation." The Deputy Minister of Finance, after all this has been received, is questioning the privacy commissioner as to whether or not she has the right to investigate this. Can you imagine?

The letter states:

"I assume that at this stage, you will not be contacting any individuals other than myself as part of your investigation. If you do intend to do so, I expect that you would notify me in advance so that I can address any resulting issues."

In other words: "Just talk to me. Don't conduct a full investigation." This is a senior official of the government saying this, according to Ms Cavoukian.

She goes on:

"(4) We were not given any reason for the government's reticence in this particular case, unlike other cases." She's had other experiences with other departments and she hasn't run into this kind of reticence. "This was the source of some concern, given our past experience in similar matters where full co-operation had been immediately forthcoming. We did not agree to restrict our ability to investigate."

That's her finding from her own personal observations.

"(5) In early February, after discussions regarding our authority to investigate and renewed assurances of full co-operation, we asked the ministry to contact certain employees, current and former, who had knowledge of relevant events, to ask them to give us their full and complete co-operation during the investigation. While the ministry's letter to employees referred to its own co-operation, it added"—listen to this—"You are free to make your own decision as to how to respond to the commission's request to question you during this investigation."

1640

Why didn't they do the right thing and say: "We've got a problem here. Everyone that's been involved in this should fully co-operate with the investigation." That would have been the right and proper thing to do because, remember, the personal information of 50,000 Ontarians was handed around without any justification or authority.

She goes on to say:

"We had urged the ministry instead to use language that was designed to encourage employees to co-operate

with us. We were told by one individual's lawyer that his client had initially been willing to talk to us but was reluctant to do so after having received the ministry's letter."

What else does she say?

"(7) It is interesting to note that all the private sector organizations"—Wood Gundy and Angus Reid—"involved in this matter co-operated with us fully and immediately."

The private sector co-operates fully; government departments that had had this secret there for the last two years tried to stonewall it whichever way they could.

"(8) Some documents sent to us were partially blacked out or 'severed,' even though the ministry is well aware of the fact that we routinely review highly sensitive unsevered documents and are bound by a statutory duty of confidence. Not only was this highly out of the ordinary, but in our view, disrespectful of the mandate of this office."

That is what the original complaint by the member was about as far as the breach of privilege was concerned, and that's what the ruling is about. It is about the fact that even after the fact, after it had come to light, she is of the opinion that this ministry did not co-operate. They had already contravened the act. It's as clear as it can be. Nobody is going to suggest here that this information didn't go to Angus Reid or to Wood Gundy. We all know that 50,000 names and personal information went from the ministry of privatization, or initially from the POSO office to the ministry of privatization, and then on to the private firms.

If a new act can be brought in that strengthens and doesn't take anything away from the Information and Privacy Commissioner, we will fully support it. But we fear this government because we know that in each and every case over the last four years, they have done just about everything in their power to limit the operations of the four officers of this assembly. These are the independent watchdogs of government, whether we're talking about the Provincial Auditor, the Environmental Commissioner, the Ombudsman or the Information and Privacy Commissioner. These are the people who hold the government accountable for its actions. They are independent. I see the member mouthing that it's not true. They are independent.

As I said in my statement earlier today, this government has tried in a number of different ways to take away the power of these individuals. The Ombudsman's term has gone from 10 years to five years. Why? Only one reason, and that is that whoever happens to be the government of the day can control that position to a much greater extent, because you have less control over a person once they're appointed for 10 years.

Look at the budgets and see what has happened to these four officers and their departments over the last four to five years. They have been reduced, in some cases, by 30% to 40%. Look at what happened to the Environmental Commissioner. She gave the most damning and scathing report on the environmental record of

this government just before the last election. It always surprised me that people weren't more interested in it at that time, because it was a really negative report about what this government had been doing with respect to the environment. What did they do? They didn't reappoint her.

What we're fearful of is that if we're just talking about the review of this act, this government, with its majority mandate on committee and in this House, will do whatever it can, not to add additional powers such as the Minister of Labour was talking about earlier, making it sound like we will give these people powers of subpoena and all the other things he talked about—and yes, Ms Cavoukian talks about that herself. She would like to have the act amended so that it will include those powers; there's no question about it. What we fear is that the powers, in effect, will be lessened.

This referral to this committee is just a diversionary tactic. Our primary concern should be—and we should investigate—how it is possible that the private and personal information of 50,000 Ontarians could be treated so lightly by this government, and how once they found out these mistakes had been made, they basically hid the information until Mr Ibbitson uncovered it. Wouldn't it have been the proper and right thing, the moment they found out they were in contravention of the act, that they contact the privacy and freedom of information officer and said: "We've contravened the act. Come in and do your own independent investigation"? Instead, what we have is stonewalling. I've already given you eight examples that are contained directly, word for word, in her report, as to how she feels that she, as an officer of this assembly, was treated improperly and in contempt by this government. That's what this motion is all about.

There are some other recommendations here as well. For example, she recommends that freedom of information and privacy training sessions be held with staff of the various ministries, particularly those ministries that are involved in the privatization effort. There are a number of other well-thought-out, reasonable amendments and reasonable suggestions.

But in all the discussion about this issue, let us never lose sight of the fact that the personal information of 50,000 account holders with the Province of Ontario Savings Office was violated. These offices are located across the province. They have branches from Aylmer to Brantford to Guelph to Toronto, St Catharines, St Mary's, Ottawa, Owen Sound, London, Pembroke—they're all over the province. Yes, we have a major concern, and there's a concern by the population out there in general, that people don't want their personal information to be dealt with lightly. Yet here it was dealt with extremely lightly.

The law had been breached. Section 61 was clearly breached in 1997. There was then a cover-up rather than doing the right thing and saying: "Yes, we breached the law. Call in the privacy and information officer and see what can be done." Even after that was found out earlier

this year, what happened? There was more stonewalling by the department. That's what this is all about. I heard some rumblings here today that the government intends to vote against this motion. I surely hope that is not the case.

The Speaker has made out a *prima facie* case, and the argument from the Minister of Labour basically is that since there aren't any penalties in the act directly to deal with a *prima facie* case of contempt, or where contempt is proven, therefore there hasn't been any contempt. That is absolute nonsense. That is clear-cut nonsense. Yes, the act may be deficient in that its penalty provisions should be a lot stronger than they are, but so what? Let's improve the act. But to take it to mean, because there aren't any penalty provisions with respect to contempt, that there has been no contempt is nonsense and an absurdity. I respect the Minister of Labour, but he knows it's nonsense and I think that anybody who even thinks about this knows it's nonsense.

1650

The question is: Why did the government, through its POSO office, give this information to the minister of privatization? Why did the ministry of privatization take the actions it did by giving it to these two organizations, Angus Reid and Wood Gundy, back in 1997? Why didn't it do the right thing and talk to the privacy commissioner then and say, "We made a mistake"? We all make mistakes. I've made mistakes; I'm sure you've made mistakes. If they had been open and forthright about it and admitted the mistake and seen what could have been done to correct the situation, we could have accepted that. But instead they hid it until an investigative reporter did an excellent article on it, and that started the ball rolling. Then, even after the ball got rolling, as I've already indicated, on at least eight different occasions and in eight different ways they still tried to frustrate the investigation the privacy commissioner was doing. That's what this case is all about.

I would say to the people of Ontario that this tells us an awful lot about the Mike Harris government. It tells me an awful lot about the government, and it tells the people an awful lot about the government. What the people out there expect from government is openness and fairness, and neither the privacy commissioner nor the 50,000 individuals involved in this case have been dealt with fairly.

Mr O'Toole: It's my pleasure to respond to this very important item for discussion today, the resolution of the member for Renfrew-Nipissing-Pembroke.

I was actually in the House on May 10, the day he read, with some eloquence, his concerns. In fact, on that day I went over and spoke with him afterwards and said that to a large extent I agreed with many of the points he was making, in a general sense. At that point in time I wouldn't say I really understood a lot of the underlying issues and statutes governing the behaviour of the groups and organizations and individuals. But I did take some time to look over the privacy commissioner's report, in anticipation of the Speaker's ruling today, and of course

we all know the ruling. I could, for the sake of the members here—this has all been repeated, and I understand we're just going to run down the clock. But unfortunately, subtle points can be made during those debates if you pay attention.

This is the Speaker's ruling: "The member for Renfrew-Nipissing-Pembroke requested that I review the matters raised for a determination that they 'constitute a *prima facie* case of contempt.'" I guess that's really the function of the whole report: to determine if there was contempt, deliberate or otherwise.

I thought the ruling was quite fair. In fact, the last paragraph is very important for the record. These are the Speaker's words: "At the end of the day, it may very well be that in this instance, the commissioner's inability to 'conduct a full and complete investigation' emanates, as is argued by the government House leader, from a lack of statutory power." I really think that's the whole issue. It may seem to some to trivialize the importance of the individual's information floating around out there for some 50,000 POSO customers, but the statute, as it was interpreted, did not prevent that from happening.

Finance Minister Ernie Eves tabled a motion that hasn't yet been brought forward. I think just after your business on May 16, notice of motion 49 was tabled by the finance minister in response to that and out of respect for the situation, saying, "Gee, let's correct this situation." Of course when you look to history on this thing you might say that it's sort of like shutting the barn door after the horses are gone. That may be the issue. I don't know.

But I really feel that the trail of events, as I've been able to understand them, going back to the small bit of research which would include the article by John Ibbitson back in January—it would appear that somebody—

Mr Conway: You've been having a chat with Rob Sampson.

Mr O'Toole: No. In fact, I've been listening to the debate and also paying attention to how we got to this point. Was it any great, deliberate insight by the member from Renfrew, who actually brought this thing to a head? As it turns out, it was some citizen, a constituent who actually heard about this. John Ibbitson got a hold of it and ran the story, and that story ended up being a question ultimately raised by the member from Renfrew. It would appear, though, that from the newspaper story, there was a conversation by the Liberals to the privacy commissioner, because it was only then they started to constitute a report, which, by the way, is two and a half years later.

Interjection.

Mr O'Toole: It doesn't forgive anyone for due diligence. I question the distancing sometimes of elected people from the process itself. It's my understanding, though, that there were appropriate questions asked at appropriate times, and the statutes of the day allowed to happen what happened. Ultimately that's the question we should deal with. I mean things that happened, happened. I can tell you that I, for one, would not agree with the

plethora of information that's out there today. Of course the federal government's dealing to some extent with the same issue.

But we're in an era, an age, where the computer and Y2K and all these viruses and security issues are central, and it's almost the conspiracy theory, if you will, when it comes to computers, databases, flat files, long files, access files or some hacker getting a hold of what's available. There's a ton of information, and there has been for many years, and its ultimate use is the question and the responsibility of the government.

Interjection.

The Deputy Speaker (Mr Bert Johnson): I wanted to address the member for Toronto Centre-Rosedale. I have absolutely no thought of warning you again that there is no heckling. The Chair recognizes the member for Durham.

Mr O'Toole: Thank you, Mr Speaker, for allowing me to have complete silence while I speak, because there's really virtually no one here.

These are the words of the Speaker: "That may very well be the crux of the question as to whether or not a contempt occurred. But again, I am only charged with determining whether a prima facie case has been made out." He then motioned to the member for Renfrew-Nipissing-Pembroke to table the motion, which he did and which we are actually debating. I like to have a sequential little record of what was said for Hansard.

"Mr Speaker, I move that, in light of your ruling"—the ruling he just made here—"that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000, by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation"—this is the point—"be referred to the standing committee on the Legislative Assembly for its immediate consideration."

We're discussing whether or not this should be referred to a standing committee. I think that's a nice departure point. I know the Minister of Labour spoke earlier on some points of law and order. I want to reinforce that Minister Eves moved notice of motion number 49 on the 16th, a few legislative days after Mr Conway's introduction of his concern, a resolution stating, "That the standing committee on the Legislative Assembly undertake to review the Freedom of Information and Protection of Privacy Act and report its recommendations back to the House." So it appears to me, looking at the motion by the member from Renfrew and the notice of motion that's already been filed, that we are well on our way to improving the legislative framework for protecting information on all constituents. I would endorse that and I agree with that. I think we have some difficulty about how we get to there from here, the politics that enters this House and who takes responsibility for the outcomes and who takes the pride of having

made their point, I guess. I commend the member from Renfrew for making the point. We're hear and talking about it, and the right thing is the minister has responded to the seven recommendations in the report, four of which are complete. It appears from everything I've seen that he's well prepared to work with you and this Legislature to improve an act which, I might say, has been in need of reform for some years.

Minister Eves and the Ministry of Finance accept the Information and Privacy Commissioner's recommendations and will comply with them and do so in an expeditious timeframe. You have to recall that this event is from 1997, and it was reported in the *Globe and Mail* some two and half years later. This doesn't excuse it, but it tells me there's a gap in there, which means there aren't the checks and balances. Aside from this issue, we need to have an improvement in the statute, specifically when you talk about access to information and third-party data management. Look at Ottawa. They were very concerned, whether it was Jane Stewart or Manley, when that hacker was at large for the integrity of their files. So I think it's appropriate that we do secure the information and define what's allowable and what are the investigative powers. The government has also accepted the commissioner's call for a review of the legislation, including the scope of the powers of the commissioner. The act has not been reviewed for almost a decade. That point has been made a couple of time.

1700

Let's review the history for a couple of minutes. As has been said, it was brought in 1988 by the Liberal government, well intended, but it did not grant those powers that the commissioner is now looking for. The issue also came up with the NDP and they also ignored or refused to make improvements to the legislation.

It draws my attention to the old Latin phrase, "inspector inspectorum," which means, who's looking after the checker, who checks the checker? When you have the power to look at stuff and have access to stuff, you want to have people of the highest order in those positions, as a commissioner or whatever. My point is being that the inspector inspectorum argument is this: When you empower statutorily the commissioner to do certain things and have access to certain things, then it's the case that that person has supreme unchecked power, and we've got to deliberate on that to some extent, I believe. Let's have this House held accountable. Here we have a commissioner and this two-and-a-half-year thing going on, and yet our government's held responsible, as it should be. But we should, in the legislation, make sure any changes allow this legislation to have some oversight, and that is my concern here. The privacy commissioner in the majority of other provinces does not have this statutory power. So this is not something where Ontario is lagging behind. In fact, I commend our Minister of Finance for generally being ahead of most other jurisdictions.

Notwithstanding our acceptance of the commissioner's findings and our commitment to follow through

on her recommendation, it is important to note that the ministry officials at the time acted with the best intent to comply with safeguards and on the basis of verbal and written legal advice that the actions of the government were in compliance with the legislation at the time. The freedom of information coordinator, who is the individual considered the resident expert in the ministry, gave advice that the privacy secretariat's actions complied with the FIPPA—Freedom of Information and Protection of Privacy Act. That is clear in the privacy commissioner's report. For the people of Ontario, I think this is the most important protection.

The essential facts that are of utmost importance to account holders—these are the people whose accounts and social security information were at some risk of being exposed—are as follows—by the way, none of it was. The information on the account holders was never in the hands of anyone other than staff or those acting with integrity and confidentiality on behalf of the minister. The commissioner's report also indicated that steps have already been taken by the government to ensure greater levels of security when privacy information is handled by the government.

There has been a lesson learned, and we intend to go even further, as the minister has said, on the basis of helpful recommendations provided by the commissioner. So there has been a very positive response to the commissioner's report.

The government and Ministry of Finance officials fully co-operated with the commissioner during her review of this matter. There may be an unfortunate difference of opinion on this point—that's clear with the member on the other side barracking—but the Minister of Finance at the time acted with respect and due diligence to the role of the office of the privacy commissioner. I think you have to go back and review here, for instance, that the law does not grant the powers that she was seeking. This is central to the argument. Initially, the commissioner had chosen to speculate in the media—this was perhaps after the Ibbotson article—that the sharing of this information had breached privacy, without having complete or even any informed views. I guess this was a program on TVO; information that had come to my attention.

The commissioner then went so far as to commit, on television, to a two-week deadline without yet seeing the facts. That's quite troubling for me, to go on the issues of a newspaper report, it would appear, and some other concerns that would have been raised. Where were they? Where were they on the watch at the time? If that's the case, if this was going on, they should have been on watch at the time, as opposed to looking in the barn just after the horse had left.

We've talked about events that happened two and a half years ago, but we're surprised and somewhat disappointed by the statements that the Minister of Finance was less than fully co-operative. I know this not to be the case. The minister has complied with four of the seven, and by the time this chain of events got through

the bureaucracy to the Minister of Finance, Ernie Eves—who by the way, I have the greatest respect for, and I think the people of Ontario do. If someone has to oppose that point of view, he has been here for years, almost as long as the member from Renfrew, so his integrity is not to be questioned as far as I'm concerned.

It has been a challenging task for ministry officials to help the privacy commissioner reconstruct the events of so long ago—two and a half years. Response in detail to every question asked by the office of the commissioner had been provided, and every document requested, including 39 documents, totalling 417 pages; responding to numerous telephone conversations from as far back as—I have a list here—January, ministry officials responded to requests from January 1 to January 7, where correspondence was completed, and then on the 10th, the 13th, the 19th. So there was very much a focus right around the time the article came out. There was a lot of action on this file, that's for sure.

Why the other individuals were not contacted by the commissioner is unknown to us, and it really does raise some concerns. The processes and procedures within the investigation itself lead one to suspect that—inspector inpectorum, the check-the-checker argument comes to mind. The minister did everything within his powers, and we should note for the record here that on February 1 the commissioner requested that the ministry contact those selected individuals whom they were interested in interviewing. They did so. From February 7 to 18, the ministry contacted individuals for interviews at the request of the commissioner. At that time, the ministry wrote to each individual selected by the commissioner informing them that, "The Ministry of Finance is co-operating with the Information and Privacy Commissioner on this investigation."

I think the Minister of Labour spoke earlier about, how do you force civil servants who are sworn by an oath of secrecy? It's almost like, if they are to disobey the statute, it would contradict the oath of their office. So I think it's important. Also, how do you order them when there is nothing in the law to force them to conform? I believe the minister and the elected members here would conform to the best of their knowledge and ability, but when someone asks you to divulge things that you've been told statutorily not to divulge, there might be some reasonable—and I think this should be investigated thoroughly, I suspect, but I think releasing people from their oath of secrecy is a significant question at the table here today.

It should be noted also that among those not contacted by the privacy commissioner were very high-level individuals, I might add. I have some assurance on that from both political and public servants who would willingly have spoken openly to the commissioner. I might say I was speaking with the Honourable Rob Sampson this afternoon. He's quite flabbergasted, quite disappointed that he wasn't contacted. I've heard that Mr Lindsay and Rita Burak, the secretary of cabinet, weren't contacted. Where was the commissioner? What was the

process here? We certainly have to look at the legislative framework, not only to resolve the issue here but the process itself. Who comes back to check the checker? I don't want some arbitrary—

Certainly these commissioners should be non-political—I completely espouse that position—and of the highest order and credentials, if we can find them, because that's the way the world is. I suspect at that point, we entrust these people with a great deal of oversight and power. All of us should be accountable, but even they should be accountable to the people. That's this unelected kind of oversight thing that I sometimes have trouble with. In fact, it's a bit of a judged issue right now.

Interjection.

Mr O'Toole: No, some part of it. I have no problem with it, but what if they go around making rules that have absolutely nothing to do with it? Are we supposed to sit back and just go, "It's OK"? I'm starting to sound like Rosario here. Maybe I've been speaking too much lately.

I think the current statutes really are clear that there's a compelling argument that we have to review the statutes.

I would say that, as yet, everyone in the ministry who has been asked to be interviewed has co-operated. Three individuals were interviewed, and the fourth, Mr Tony Salerno, CEO of the Ontario Finance Authority, wrote to the commissioner on March 1 stating, "In the spirit of full co-operation, I would be prepared to answer any ... questions or requests for clarification you may ... submit to me." That's his quote. Mr Salerno informs us that the privacy commissioner did not contact him further after his response. I'm left simply with, why not, in a thorough investigation of a matter of this importance? This is an important omission. It's a blank here. I have some difficulties.

1710

Again I must note that Minister Eves has accepted the privacy commissioner's seven recommendations in public, in the Legislature. He has pledged to follow through on her recommendations, and to do so expeditiously, I might add, by July 31, 2000. That's pronto. The minister and Minister Hodgson have also committed to have the privacy legislation reviewed by an all-party legislative committee, as suggested in the motion on the 16th.

I believe the debate here today is very important. I think it has contributed to the member from Renfrew's concern, as we all should be concerned, that the information is protected and that there are proper statutes to deal with these orders.

With that, I am sure there will be other points made and I will relinquish the floor at this point.

Mr Bruce Crozier (Essex): I want to rise today in support of the resolution that's been tabled by my colleague from Renfrew-Nipissing-Pembroke.

Earlier today when the Speaker gave his ruling on my colleague's question of privilege that he felt had been breached, when he gave that on May 10 and today when

the ruling came down, it so happened, coincidentally, that there were about 120 young students from Mill Street public elementary school—and there are a couple of us in this Legislature who went to that school—in the gallery. They came to watch statements, and then they thought there would be question period after that, and of course the Speaker gave his ruling and the rest of the afternoon is somewhat history.

When those students left, I went back to the room that they were gathering in and I said to them that they may be too young to appreciate it today, but certainly their teachers and their chaperones would understand that today is a very special and significant day in this Legislature. It isn't often—and thank goodness it's not often—that we have to debate motions that involve a ruling of the Speaker in a case of *prima facie* contempt.

My colleague just before from Durham read the motion that was put forth from my colleague from Renfrew, but I would read as well just a couple of paragraphs from the Speaker's ruling.

He pointed out that the member from Pembroke had "argued that various officials inside the Ministry of Finance and elsewhere have perpetrated a contempt on this Legislature by frustrating an investigation undertaken by the Information and Privacy Commissioner. He refers to the commissioner's report, in which she outlines the difficulties experienced by her office in conducting her investigation."

She went on to say, and I quote: "In our view, the ministry," being the Ministry of Finance, "endeavoured to restrict the scope of the investigation and the investigative tools available to the Information and Privacy Commissioner. Attempts to interview current and former government officials ... were met with protracted negotiation and resulted in key individuals refusing to be interviewed."

The Speaker went on to say in his ruling that he finds "the very fact that an officer of this House, a person selected by this Parliament and sworn to faithfully discharge her duties to this House, has taken the extraordinary step of advising us that the authority of her office was disregarded and discounted to the extent that she was 'unable to conduct a full and complete investigation.'"

The Speaker, near his conclusion, said, "I am only charged with determining whether a *prima facie* case has been made out. Having found so....," that then led to the motion we're debating right now.

I'm trying to put myself in the position of those 50,000 investors in the Province of Ontario Savings Office and how they must feel when they know the confidential information held by the savings office was given, in essence, to the public, was put out in the public venue by being given to two private companies totally unrelated and unconnected to government—their names, their addresses, their telephone numbers, their social insurance numbers, the amount of money they have on deposit with the savings office.

The Province of Ontario Savings Office offers savings and chequing accounts, short-term deposits, GICs and Ontario and Canada savings bonds. All deposits are guaranteed without limit by the province of Ontario. Other services, such as automatic teller machines, credit cards, consumer and business loans, mortgages, RRSPs, mutual funds and brokerage services aren't currently available through the bank, so information that was given out wouldn't involve those kinds of services.

But is there anything in a democratic society that is more sacred than our privacy? The very basis on which democracy is established is the individual, the freedom and the privacy of that individual. Today what I'm trying to do is put myself in the place of those depositors who entrusted their privacy to the province of Ontario. It would appear, from the information we have, that that was disregarded.

It goes even further than that. To me, it goes to the very character of the depository in which that information is being put, the character, if you like, of the government. I think we're all included in that. We're all legislators. We're all politicians. One might ask, if one person in the Legislature would breach that confidentiality, how far could it go?

We know, for example, that the government recently has sold—not just given out to find out whether a particular agency should be privatized but has actually sold—what some might consider to be confidential information when it comes to driver's licences.

We know, for example, that the government, on behalf of a private corporation, uses what one might consider to be confidential information to collect monies owing to that private corporation.

I think back in my own experience. I mentioned last night in debate that we all make decisions and come to conclusions on the basis of our experience. I think back to when I was a student in the Certified General Accountants Association and later, after receiving my designation. One of the things that we were taught when we're dealing with the finances of any individual is confidentiality. We're entrusted to keep that kind of information confidential. So I can only imagine, since I'm not a depositor in the savings office, how some of these 50,000 people must feel, particularly those who complained, which then essentially led to the motion that we're debating today.

It goes to the integrity of the person in whose trust that confidentiality is given. It goes to the character of that person. So I don't think we're just talking about one individual today. We're talking about the integrity of a government.

Some of what I've heard this afternoon—not all, because I think the debate has been very good and it's been very open and it's covered a wide range of issues. It's covered the law. Various members of the Legislature have quoted from the act. But this confidentiality that we're trying to defend is something that all of us should hold sacred.

1720

It's a coincidence that only yesterday, in what I send out weekly as the Queen's Park report, I chose to bring up this very issue. Actually, it was in a way warning those in Essex county, because we do have a savings office in Windsor. It was in a way warning them that even though they may not have been called by this private company before the information was recalled, they may have in fact been on that list that was in the public domain. I merely wanted to warn them that this confidentiality that I could see had been broken might be of some interest to them.

Can you imagine the outrage if one of the chartered banks were to go to Angus Reid and say: "We want a poll taken. We want our customers contacted, and in so doing, we're not just going to ask them about service or those kinds of daily things that the banks carry on, the daily operation of the bank. It's not how satisfied you are with the bank or how you might feel about any particular one of the major banks." Can you imagine if your bank took your name, your address, your telephone number, your social insurance number and the amounts that you had on deposit with that bank and gave them to a polling company, in this case, Angus Reid?

I think any one of us in this Legislature would be incensed and we would go to the Bank Act and we would look there to see if there was anything that could be done to, first of all, stop it and then to penalize those who breached that confidence. The banks, for example, are to some extent regulated by legislation and, beyond that, are regulated by themselves with their own code of conduct. But can you imagine how upset we'd be if one of the chartered banks or the credit unions in the province of Ontario did that? But here we have a case where a provincial government savings office apparently totally disregarded this confidentiality and put that information out to the public.

I suspect that there were employees, in fact, with the Ontario savings office who had some real reservations about doing this. I don't know this to be a fact, but I doubt that it was at the initiative of any of the employees of the savings office that this information was put out to the private sector. I would have to conclude, and I would hope that in passing this resolution we will subsequently find out, that it wasn't the bureaucrats in the savings office who breached this confidentiality but it was at the direction of finance officials, the Minister of Finance, the minister of privatization. In fact, it may not even matter who specifically gave that information out, but what really matters is who gave the direction to do it.

That's one thing. It was done. It was a mistake and it's even alleged that it's against the law. What goes beyond that, though, is the fact that this happened several years ago and nobody knew about it until somebody leaked the information to the press, to the media. It was then, after a report in the media, that real attention was drawn to it. It's the fact that someone, even if they did this unwittingly, found out through the privacy commission investiga-

tion that the wrong thing had been done. Yet nothing was done about it.

It had been suggested earlier by one of my colleagues that if it hadn't been reported in the media, we might not yet today even know about it. So where are we today? From my side of the Legislature, I would use a phrase that I think most of the Ontario public would recognize: The government is into "serious damage control." Part of that damage control started just a few days after my colleague raised the breach of privilege question. That's when the Minister of Finance tabled a notice of motion in this House that the privacy of information act be reviewed. The problem with that is that it might be limited only to the act itself and what could maybe be done to improve that act. It won't, I'm afraid, go to the question of what happened in this instance, in particular with the Ontario savings office. I'm afraid that's where the damage control comes in. "We have to shove that aside and we have to have something in its place so we can focus our attention on that and divert people's attention away from what really happened," that is, that information was given out that should never have been, and once having been given out, there was an apparent attempt, albeit from my reading of the report, to stifle a full investigation into it by the privacy commissioner.

Where does that leave us today? I would hope that a majority of the government members, along with us, support this motion, because it begs one simple question: If you don't support the motion, what have you got to hide? If you have nothing to hide, then no one should fear a full investigation. It really boils down to that. If you really want a possible mistake looked into, and how we can rectify that mistake and prevent it from happening again, all you have to do is support this motion. If, as a part of that or at a later date, the government wants to look into the freedom of information act itself and make improvements in that act, then fine, let's do it. That's another natural step we should take.

In concluding my remarks in this debate, there are several questions that I think should be asked, and the only way we can ask those questions is to have this motion passed. These questions were in a letter over the signature of Dalton McGuinty, the leader of the official opposition, to the Honourable Mike Harris, on January 9. The questions are these:

"What role did the Premier's office play in this matter, if any? When was the Premier's office made aware of the polling contract? When was the Premier's office informed that there was a possible breach of privacy? Was the Premier's office consulted before a decision was made not to refer the matter to the privacy commissioner? Did anyone in the government suggest that the matter should be referred to the privacy commissioner? Who requested the information from the Province of Ontario Savings Office? Who at the Province of Ontario Savings Office approved the release of this information? Who at the privatization secretariat approved its release? What role did the cabinet committee on privatization play in this matter? Which cabinet ministers or their political

staff were involved in any aspect of this request for a release of this information? Who approved the polling project questionnaire? Who decided not to refer the matter to the privacy commissioner?"—and I say to my colleague across the way, it has everything to do with the resolution—"Why were clients of the Province of Ontario Savings Office not asked for permission to release their private financial data? What assurances exist that all the private information released has since been retrieved and secured, and how has the information collected subsequently been used by the government for any other purpose?"

The only way I can see that we can answer those questions is to support the resolution from my colleague from Renfrew.

1730

Ms Churley: I remember January 8, 2000, well. I was out and on my way to Ikea, and on the way I picked up a Globe and Mail. I remember opening up that Globe and Mail and reading a story by John Ibbitson, and I was shocked. When I saw the allegations in that story, I was shocked, and immediately—this was on a Saturday—working with some of the staff here at Queen's Park, Fred Gloger, to be specific, we put out a press release. I have the press release here.

On the same day the article was written, I demanded, on behalf of the NDP, that the Attorney General launch a criminal investigation into how these confidential documents and information, people's financial records, got in the hands of a polling firm. We asked questions in that press release. We said we wanted answers to them, and we never received any answers. We wanted to know what Ernie Eves and Rob Sampson authorized, what they knew and when they knew it, and we also wanted to find out about the Ministry of Finance's internal review they talked about, released to the public.

Sadly, after several other attempts to make this issue more public, it died. I was so shocked to read about these allegations, and then it died. There was nothing more about it. Recently my colleague David Christopherson, the member for Hamilton West, asked some questions about it, and again, there was very little, if anything, in the press about it. Then this motion came forward today, and finally we have the opportunity to address a very serious issue.

This is a serious breach of trust, which we talked about at the time and continued to raise in this House from January 8 on, with no response; no response from the government and very little press, which really shocked and surprised me, because the allegations are so serious.

There is much discussion here today over what we're debating. The motion, as far as I'm concerned, is quite clear. We're debating whether or not the special report to this Legislature be referred to the standing committee on the Legislative Assembly for consideration. That is what we're debating. This chamber is not being asked today—and that's quite true; we're not in any position today—to make that decision. The debate is over whether we take

this ruling by the Speaker seriously enough—and I can guarantee you, I do and my party does—to refer the matter to the committee to determine whether there is actual contempt.

The Speaker ruled in the only way he can today, and that is, he found a *prima facie* case of contempt. What that means—and there has been much discussion and argument about that, but it's actually very simple—is that it is now up to the government and the ministers to produce evidence that they were in fact not in contempt. If there is no evidence produced to the contrary, then they're not in contempt.

I can give you a really specific example. If you were, for instance, charged with theft, you would go to court and the prosecution would lay out the facts by way of evidence, and then you would have the opportunity to give evidence that you didn't commit that theft. That's exactly what's going on here today. That's what the ruling means, that this should be brought before a committee so that the government can actually attempt to produce evidence to show that in fact they're not in contempt.

Mr Kormos: If it can.

Ms Churley: If it can.

I would say, from the speeches I heard here today, they're on very thin ice, not on very firm ground at all. But again, we're not going to determine that in this place today; we need to have it go before the committee.

The members of the government keep on talking about whether or not the commissioner had the power under the law to compel ministers and the staff to talk to her. They contend that the commission did not, and they specifically did only what they had to do under the law. What they keep harping on is that the law isn't adequate enough and that it was the NDP, while in government, which had the opportunity to strengthen that law and didn't. They keep harping on that, but that's not what this is all about. I contend that they showed contempt for the spirit of the law. They showed contempt for the public interests that are reflected by that law. Failing to instruct the staff to be interviewed is contempt of the public interest.

During most investigations, as far as I understand it—I could be wrong, but under most, if not all, investigations no one is compelled under the law to come forward and give evidence, but we do. If any of us witness a crime in any way, even if we're not compelled, while the case is being investigated, before it goes before the courts, we do come forward, because we regard it as our civic duty to come forward, to co-operate with investigators. Who of all people in our society has the highest responsibility in our province to come forward and do their civic duty in the public interest, to come before a commissioner when this kind of investigation is going on, where there are serious allegations of lawbreaking? It begs the question, why? Why did they not come forward? That's why I'm having trouble with the argument that the government members came forward with time after time today: "Oh, well, the law is weak. We didn't have to do anything

more, so why should we?" I would contend that it was their civic duty to do so, in the public interest to do so. It begs the question, what do they have to hide? It smells of a cover-up to me. It smells pretty bad to me that those ministers just decided they would, in their view, after looking at the law, only do what they felt they had to do under the law instead of thinking of the public interest.

I'm going to read to you from Black's Law Dictionary what "*prima facie* case" means. This is the definition: "the establishment of a legally required rebuttable presumption."

"Presumption: a party's production of enough evidence to allow the fact trier to infer the fact at issue and rule in the party's favour."

That is what we're discussing here today. There are serious allegations involved here. There are allegations of lawbreaking. The government has to take its responsibility seriously today and finally respond to these allegations and agree with the NDP—and I would say with the public, particularly people who had savings at the bank and whose private financial information was given out to a polling firm—that they have a responsibility today to vote for this motion so this can at least go before a legislative committee and that committee can set the terms of reference and start trying to determine what happened here.

I have to say to you, Speaker, that I am not satisfied with that. I hope indeed that they do vote with us today. That is a good start—finally something is happening here—but let's not forget that a standing committee of the Legislature is stacked with Tory backbencher members who usually, if not always, do what they're told.

Mr Kormos: Exactly what they're told.

1740

Ms Churley: No. I had some experiences as a minister, I want you to know, where they didn't sometimes. Good on them. But usually backbenchers on standing committees of the Legislature do what they're told by the ministers, and that's a fact.

If they vote for this—and they know this, so perhaps they will support us today—we will have a committee examining this which has a majority of Tory members. Those members have the majority and therefore can win all the votes. Even in terms of setting the terms of reference on how we're going to examine and investigate this situation, the Tories have all the power to determine what those terms of reference are, who comes before us, what witnesses are called, what questions are asked.

I experienced that very recently when sitting on the general government committee choosing an Environmental Commissioner. I had first-hand experience in a government-stacked committee, and it was not a happy experience, as everybody here in this House knows.

At times today when some of the government members were talking, they didn't seem to take this issue seriously enough. I don't think they quite understand the seriousness of the allegations before us today.

Mr Caplan: They understand, all right.

Ms Churley: Oh, I don't think they do particularly. They keep talking about the law and the inadequacies of the law. What they'd like to do is have this whole thing turn into, "Let's have a happy committee meeting to talk about how we can strengthen the laws for the privacy commissioner and let's just move away from the issue at hand here," and that is allegations of breaking the law.

Mr Caplan: Another cover-up.

Ms Churley: Yes, another cover-up.

Some of the viewers at this time, a quarter to 6, may not know what's going on here, because all this started early this afternoon. We've been debating all afternoon a motion put forward by Mr Conway, and I'm going to remind people of what we're talking about here. The motion reads:

"Mr Speaker, I move that, in light of your ruling that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000 ... concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered—he uses the word "obstruction"—"in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration."

That's what we've been doing all afternoon. We haven't had question period, we haven't had anything else happen here today, and we will continue to debate this and get the facts on the record.

The Speaker ruled in favour of the point of privilege raised by Mr Conway. That's what we're debating today, and we'll continue to debate it until perhaps the government brings in closure and tries to shut down debate, because finally we're having an opportunity to talk about this.

These are some of the quotes from the special report put forward by the commissioner:

"The ministry submitted that it has been 'frank and open' and has '... made every effort to assist you with your review.' We respectfully disagree," she says.

"The ministry's efforts to limit our investigation and its failure, in our view, to use its best efforts to ensure that its current and former employees co-operated with us has hindered this investigation."

"Co-operation has been difficult to obtain on occasion, but we have never before faced the level of difficulty or the number of obstacles experienced in this investigation."

"In our view, the ministry endeavoured to restrict the scope of the investigation and the investigative tools available to the IPC."

"The ministry's response to our investigation stands in stark contrast to the co-operation provided to the government auditor who conducted the review (not privacy audit) of these events in August of 1997.... According to the auditor, ministry employees had been clearly instructed to co-operate with him. Our office, however, was told by ministry officials that they were not in a position to instruct their employees to co-operate

with us, not even to the point of encouraging them to participate in the interview process."

That's not all. There's more. There's pages.

"Despite our inquiries, we have been offered no explanation for these dramatically different approaches. As a consequence, we do not feel that the public interest has been adequately served."

And again, "All of the questions surrounding the 1997 disclosure of POSO"—that's the Ontario savings—"account holder information have not been answered, nor have all of the relevant facts been determined."

This is unacceptable to us. It should be unacceptable to the government. The Environmental Commissioner came out with some pretty scathing reports about this government, but I have never seen anything like this in my 10 years here—a scathing report, a special report to the Legislature.

I have heard, and I don't know if it's true—I'm going to put that on the record right now—that the Minister of Labour already told the press—he could come running in here if I'm wrong—that government members aren't going to support this motion today. Tell me that I'm wrong. On the other hand, I don't see why you wouldn't support this motion today, given what I already said, that government members control the committee and the scope of what the committee can do, but at least it will give us an opportunity to get started on this.

But I want to warn the members that it's not going to stop there. We finally have this issue in the light of day. I come back again to what my leader earlier in the day called for, and we're calling for it again, as we did in January, and now it's more relevant than ever because everything we've seen between that January story and our January press release and our questions suggests to me that there is a massive cover-up going on here.

We have asked again today for a criminal investigation. We want to know what happened here. If the government had been more forthcoming in the early days and had co-operated in the public interest with the commissioner, perhaps we wouldn't be in this mess today. It's not good enough to hear government members stand up today and say: "Oh well, it's all your fault. You guys"—the NDP—"had an opportunity and didn't strengthen the powers for the privacy commissioner." I've already said perhaps it would be a good idea to have a discussion, especially after this, around how we can strengthen the powers so that she has the ability to compel witnesses during an investigation, although in most investigations that's often an unusual step. After something like this has happened, perhaps it's a good idea to increase those powers.

But that's not what this is all about. Let's not hide under that, which is what the government members are trying to do. The minister of privatization and the Minister of Finance are up to their necks in this. They have not come forward at any time since January, when this issue was first revealed to the public and to the opposition, in any way and, obviously, not to the commissioner. They have not come clean and told the

public what happened here. It's all very well. I support this going to the committee because, if nothing else, we want to make sure that it never happens again and put rules in place so that it cannot happen again.

We cannot let this go unattended. We have people out there, the public, whose rights and privacy were abused by this government. We have government members, ministers of the crown, who, under the guise of following to the letter, in their view, the law as it exists right now under the privacy commissioner, did not co-operate and therefore she was unable to come to any conclusions as to how this happened here and who knew what when and any of the facts. We have almost no information about what happened.

I'm calling on the government today to vote with us on this resolution before us, but to not stop there. The ministers still have an opportunity to come forward. Nothing is stopping them. In the spirit of the law, I urge them to do that. They could go to the commissioner tomorrow. They could send staff there tomorrow. This could all end if they came forward now and said, "OK, we'll sit down and co-operate and tell you what you need to know." I urge the members today to co-operate and support this resolution.

1750

Mr Steve Gilchrist (Scarborough East): I'm pleased to join the debate. I guess we only have a few minutes left before the business of the House adjourns today. I wanted to reiterate a few things and to indicate at the outset my extreme distress. Once again, we have a grassy knoll scenario here. We've got all sorts of myths and legends springing up here. We have all sorts of mis-statements of the truth that would not bear scrutiny in the light of day outside this chamber.

The fact of the matter is, at the very outset, within the ministry itself, the FOI commissioner, the person appointed to make sure that the other ministry staff are given the appropriate guidance as to what is or is not appropriate to disclose under the FIPPA, said that the steps the ministry was planning to take were appropriate. There may be a difference of opinion. I respect that.

The first discussions that occurred by the commissioner relating to this matter were her speculations in the media. That's what started this whole ball rolling. After that, when the ministry responded and said, in no certain terms, that they were prepared, in fact, absolutely committed, to work co-operatively with the commissioner, she requested that a total of 40 different people be contacted. They were contacted by the ministry and in fact they were exempted from the oath of secrecy, a very sacred oath that normally protects the taxpayers and the employees themselves from transgressing the laws relating to the disclosure of information they may glean in the course of their duties. They were given relief from that oath.

The commissioner then proceeded to contact only 13 of those people. Among the 27 she did not contact were Minister Eves, Minister Sampson and Tony Salerno, who was the CEO of the Ontario Financing Authority, the

body to which POSO reports. What kind of a review, what kind of a survey could she have possibly done that would pass any kind of scrutiny outside this chamber as being thorough and responsible and in keeping with the spirit and the law when she doesn't even talk to the people who were at the very root of any decision-making process? I submit to the member opposite that while his motives may be very pure, while his concern may be very genuine, I don't think it is fair to castigate people who had offered themselves up and were not contacted by the commissioner.

It gets better than that, though. After numerous telephone conversations, the ministry responded to her request for all the documentation, as well, that she wanted—39 documents totalling 417 pages. I could go through the various dates but I don't think that's necessary. They're already on the public record. In the interests of full disclosure, the ministry did everything within its power. On February 1, the commissioner requested the ministry to make the contacts and, as I mentioned, they were done. So we have all the documents that were requested being supplied. We have all the individuals who could possibly have been of interest to the commissioner contacted by the ministry and told in no uncertain terms that they must co-operate. It should be noted that the list of people who were contacted comprised not only a minority of the names but some of the least significant positions.

Furthermore, the privacy commissioner has made claims—and perhaps this is at the root of the concern of the member who has made this motion—that some individuals would not speak to her on the issues. There too, there were 27 people she didn't even contact. How presumptuous for her to suggest that if they never got the phone call it was up to them to respond to non-existent questions.

Tony Salerno went further, though. On March 1, in his capacity as the head of the Ontario Financing Authority, he wrote to the commissioner and said, "In the spirit of full co-operation, I would be prepared to answer any further questions or requests for clarification you may wish to submit to me." Mr Salerno informs us that the privacy commissioner didn't even have the courtesy to respond to that direct communication, that direct invitation to involve Mr Salerno as part of her review.

Finally, throughout this investigation officials at the ministry have approached every aspect of the privacy commissioner's review with diligence, respect for the commissioner and respect for the process.

It bears noting that Minister Eves has accepted the recommendations that were embodied in the IPC report. There were seven different recommendations. Four of them have already been put in place, and he has pledged to follow through not only in the time frame that Ms Cavoukian had requested—six months from the date of her report—but in fact by July 31. Minister Eves and Minister Hodgson have also committed to have the privacy legislation reviewed by an all-party legislative committee. Our motion on May 16 makes that clear.

We heard the member for Broadview-Greenwood read into the record a quote from Ms Cavoukian that would suggest a lack of co-operation. I would suggest she should refer to the letter of April 27, 2000, a letter from Ms Cavoukian to Minister Eves, wherein she says:

"I was heartened by your response in the Legislature yesterday to my special report to the Legislative Assembly of Ontario.... Specifically, I was pleased to hear that you would be considering the amendments I am seeking.... I thank you for being proactive in the approach you intend to take."

That's a stark contrast to the picture you were trying to paint of a minister and a ministry that was uncooperative

and sticking their heads in the sand. The fact of the matter is, the minister and the ministry have taken the recommendations made by Ms Cavoukian very seriously, as all members of this House would expect.

The fact remains, though, that before writing her report she had an opportunity to cast a far wider net. She chose not to do that. I think it would be up to Ms Cavoukian to explain why. The fact of the matter is that before and now, everyone stands prepared to co-operate.

The Deputy Speaker: It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday, May 29.

The House adjourned at 1758.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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1180-2987

No. 62A

N° 62A

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 29 May 2000

Lundi 29 mai 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 29 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 29 mai 2000

*The House met at 1330.
Prayers.*

BUSINESS OF THE HOUSE

Hon Dan Newman (Minister of the Environment):

On a point of order, Mr Speaker: I am seeking unanimous consent that the House business for this afternoon proceed as follows:

That pursuant to standing order 9(c)(i), the House shall sit this evening from 6:45 pm to 9:30 pm and that the motion of the member from Renfrew-Nipissing-Pembroke be deferred until orders of the day this evening;

That the House now proceed immediately to routine motions, followed by oral questions;

That after oral questions the House immediately move to orders of the day for an emergency debate on the tragedy of the events at Walkerton, and specifically to consider the following motion:

This House expresses sincere regret and concern over the tragic events faced by the residents, families and friends of the citizens of Walkerton;

That this House sends its condolences to those who have lost loved ones and its prayers for those who continue to struggle with the ravages of this tragedy;

That, out of respect for the victims of this tragedy and as a sign that the entire province joins with the people of Walkerton in mourning, staff of the Legislative Assembly be directed to fly flags at half-mast for the remainder of the week;

That this House pledge, as Premier Harris has, to do whatever it takes to get to the bottom of this tragedy, and, to that end,

That the standing committee on general government be directed to review the circumstances leading to the tragedy in Walkerton, and to report its findings and recommendations back to this House;

That for purposes of its review of this matter, the committee is authorized to travel from place to place in Ontario and to meet and receive evidence from witnesses when the House is not in session;

That the committee commence its review by considering, as they become available, the results and any recommendations that emerge from the Ontario Provincial Police investigation, the pending coroner's inquest, and the investigation by the Ministry of the Environment;

That if legal proceedings arise from these investigations, the committee suspend its review of any specific

issues that are the subject of those proceedings, but may continue to review and recommend government action to ensure the reliability and safety of Ontario's water supply;

That at 5:50 this afternoon the Speaker will put all necessary questions to decide on the emergency debate motion, and that any division bells on that motion shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Newman has moved unanimous consent that we move to motions. Is it the pleasure of the House that the motion carry? Carried.

MOTIONS

WALKERTON TRAGEDY

The Speaker (Hon Gary Carr): Mr Newman moves that the House now proceed immediately to routine motions, followed by oral questions, and that after oral questions the House immediately move to orders of the day for an emergency debate on the tragedy of events at Walkerton, and specifically to consider the following motion:

This House expresses sincere—dispense? We didn't hear "dispense." I will read it if the members would like to—

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: We have not been provided with a written copy of this motion. I've asked the minister and I've asked the government House leader for a copy of the motion.

Based on what I have heard, it sounds to me like there are clauses that will effectively restrict the ability of the committee to sit until such time as any legal matters would be dealt with. It would be the view of the official opposition—and I note that government members are shaking their heads.

The fact remains that we have not been given a copy to read or review. We have been calling the government House leader's office all morning to get a copy of this to find out what it is they want. Until such time as we can at least have a chance to read this resolution, it's very difficult for us to comment on it.

The Speaker: The member knows I would be reading it. The minister would have an opportunity to read it again before we would then proceed, just so he's clear on that, if he wasn't. I don't know whether, to help with this

in any way, it would be possible to get any available copies. If not, I can read it.

I see the Minister of the Environment trying to get copies as soon as possible.

I would read it once. We'd then go to the Minister of the Environment and he would then read it again, if you would like. That would be twice, in total three times, if you'd like.

Mr Duncan: So that I understand—and perhaps maybe now we could get a copy of it—we will have the opportunity to debate and vote on this motion at 5:50. Is that what is in this? Right now we are only granting unanimous consent to move the motion, to debate it and then we will have a chance this afternoon to debate and vote on it. Is my understanding correct, Mr Speaker?

The Speaker: Yes, that's what the government is saying. I hate to say it because I just got it as well, but that is what both the Minister of the Environment and the House leader are saying is the case, and I see the Minister of Labour is saying it as well.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I just want to express our concern again that we don't have the written motion. It's our desire—and I've had chats with the House leader for the Liberal Party—obviously, to accommodate such an emergency debate. In fact, we all want it desperately. But in order to ensure that we aren't rushing ahead into something and find out afterwards that there are little hooks in here—it is a relatively complex motion; it's not that straightforward—we ask, in the interest of trying to find unanimity here, that we recess the House for maybe 10 or 15 minutes to just give us a chance to look at the motion, discuss it and come back in here, and then hopefully in very short order we could be into the emergency debate that we want.

The Speaker: Just so you know, the House has already given consent. If you're not giving consent after we read this, it will then turn over to the Minister of the Environment, where we will proceed. All we have given consent to is to now go to motions, at which time the Minister of the Environment will read the motion. That's just where we're at. I'm in the government's hands. If they want to facilitate—the government House leader.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I had understood that the House had now given unanimous consent for us to next move to motions, then move to oral questions and then move to a motion which contains the Minister of the Environment's statement asking for unanimous consent. At that point in time, at 5:50, we agreed as well that there would be a five-minute bell and all members of the Legislature would have the opportunity to vote on it.

At approximately 3 o'clock today all members of the Legislature will have the opportunity to debate that motion for approximately three hours in order to then come to a resolution to deal with the wording as contained by the statement of the Minister of the Environment.

Mr Duncan: On a point of order, Mr Speaker: The Premier indicated that these are the rules around emergency debate. (1) The Premier ought to be advised that there are no references to emergency debate in our standing orders. (2) We support the call for a recess so that we can look at this. Quite frankly, it sounds to us, just based on what we've heard, because the government has not provided us with a copy of their motion, that it's a restrictive motion, that nothing could happen until after such time as all criminal and civil proceedings are done.

We would like to have an opportunity for a 10- or 15-minute recess to review the motion. It may be possible that we can bring forward amendments, in co-operation with the third party and with the government, that will make the debate this afternoon a little bit more unanimous. So I would seek again a 15-minute recess to allow the opposition parties to review the motion that's before us.

The Speaker: Is there unanimous consent?

Hon Mr Sterling: No, Mr Speaker.

The Speaker: The government House leader and—
Interjections.

The Speaker: Just so we know what would transpire now, it would go back to the Minister of the Environment to read the motion. We have now said we are going to go to the motions. We have not agreed to the motion. I will turn to the minister if we proceed. He will then read the motion and then there will be the opportunity for both sides to say yea or nay and to vote on this motion. That's where we would be at. There isn't unanimous consent for us to adjourn, so that is the situation of where we would be at.

Just very quickly, if the member could take his seat, what we have agreed to is to go to the routine motions. Motions could now be read by the Minister of the Environment, but his reading it out doesn't mean that we've agreed to anything. At that particular point in time, after he finishes, I say, "Is there agreement?" and then we have the regular process and both sides at that point can decide what to do.

Mr Duncan: Mr Speaker, I seek your ruling. Let us assume that we agree to have the motion read. Will the opposition have an opportunity to amend the motion in that debate later today?

The Speaker: Just so we know where we are, we'll be moving to motions. That was, as you know, to allow Mr Newman to move that motion. At that time, if he moves the motion, during the regular course of the debate there will be opportunities, as there always are, to introduce any type of amendments. So yes, during the debate there will be opportunities by all sides to introduce some as well. All we've agreed to do by unanimous consent is to allow the Minister of the Environment to move a motion. He will do that now and all sides will have another opportunity to hear it. I will then read it after it has been moved.

The Minister of the Environment.

Hon Dan Newman (Minister of the Environment): I move that this House expresses sincere regret and concern over the tragic events faced by the residents—

Mr Christopherson: On a point of order, Mr Speaker: While the minister was conferring with officers of the table, I have to point out that we still don't have a copy of the motion. While they may have it over there, it's not over here yet. Quite frankly, I just want to express disappointment—I'm going to take just a very brief second—that there isn't the opportunity for the three House leaders to quickly meet during a fast recess to make this go smoothly.

The Speaker: That is not a point of order. We asked for unanimous consent. We did not get it.

Mr Christopherson: I seek again unanimous consent that you allow the House leaders an opportunity to talk about how this afternoon will unfold, and hope that we could do it by unanimous consent.

The Speaker: That is a little bit different. Is there unanimous consent? Agreed.

Just so I'm clear about the amount of time we would be looking at, we will adjourn for five minutes.

Interjection: Fifteen.

The Speaker: Sorry. Just to make sure, rather than coming back, we'll make it 15. This House stands adjourned for 15 minutes.

The House recessed from 1345 to 1401.

The Speaker: I thank the members for the indulgence of the House.

The Minister of the Environment.

Hon Mr Newman: I move that pursuant to standing order 9(c)(i), the House shall sit this evening from 6:45 pm to 9:30 pm and that the motion of the member for Renfrew-Nipissing-Pembroke be deferred until orders of the day this evening;

That the House now proceed immediately to routine motions, followed by oral questions;

That after oral questions the House immediately move to orders of the day for an emergency debate on the tragedy of the events at Walkerton, and specifically to consider the following motion:

This House expresses sincere regret and concern over the tragic events faced by the residents, families and friends of the citizens of Walkerton;

That this House sends its condolences to those who have lost loved ones and its prayers for those who continue to struggle with the ravages of this tragedy;

That, out of respect for the victims of this tragedy and as a sign that the entire province joins with the people of Walkerton in mourning, staff of the Legislative Assembly be directed to fly flags at half-mast for the remainder of the week;

That this House pledge, as Premier Harris has, to do whatever it takes to get to the bottom of this tragedy, and, to that end,

That the standing committee on general government be directed to review the circumstances leading to the tragedy in Walkerton, and to report its findings and recommendations back to this House;

That for purposes of its review of this matter, the committee is authorized to travel from place to place in Ontario and to meet and receive evidence from witnesses when the House is not in session;

That the committee commence its review by considering, as they become available, the results and any recommendations that emerge from the Ontario Provincial Police investigation, the pending coroner's inquest, and the investigation by the Ministry of the Environment;

That if legal proceedings arise from these investigations, the committee suspend its review of any specific issues that are the subject of those proceedings, but may continue to review and recommend government action to ensure the reliability and safety of Ontario's water supply.

That at 5:50 pm this afternoon the Speaker will put all questions necessary to decide on the emergency debate motion; and

That any division bells on that motion shall be limited to five minutes.

The Speaker: Mr Newman has moved that the House now proceed immediately to routine motions, followed by oral questions;

That after oral questions the House immediately move to orders of the day for an emergency debate on the tragedy of the events at Walkerton, and specifically to consider the following motion:

This House expresses sincere regret and concern over the tragic events faced by the residents, families and friends of the citizens of Walkerton;

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ensure the reliability and safety of Ontario's water supply.

That at 5:50 pm this afternoon the Speaker will put all questions necessary to decide on the emergency debate motion; and

That any division bells on that motion shall be limited to five minutes.

Is it the pleasure of the House that the—the member for Windsor-St Clair on a point of order?

Mr Duncan: Mr Speaker, I seek unanimous consent to divide out the motion, if I might. The first seven paragraphs relate, effectively, to the Legislature extending their condolences and apologies to the people of Walkerton. The balance of the resolution deals with the government's attempt to cover up what has happened in Walkerton and to effectively delay any kind of inquiry by the Legislature—

The Speaker: So you're asking for unanimous consent to break it up?

Mr Duncan: I seek unanimous consent to deal with paragraphs one through seven in the motion and to break it up.

The Speaker: Member for Broadview-Greenwood on the same point of order?

Ms Marilyn Churley (Broadview-Greenwood): If I may, I ask for unanimous consent to divide up the motion. We can support—

The Speaker: We're going to move to it very quickly. We can't continue on this. Is there unanimous consent? I heard some noes.

Just so that everybody knows, I read out the motion. I am now going to call the question for the motion.

Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, May 29, Tuesday, May 30, and Wednesday, May 31, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. The motion is carried.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: Would the government House leader like to explain how we can discuss government business at 6:45 this evening with the motion we've just approved, when at 6:45 we are to return back to the Conway motion, which was not government business.

The Speaker: That's not a point of order.

Hon Mr Sterling: On a point of order, Speaker: We moved two motions today. Part of the first motion was that we'll sit this evening from 6:45 to 9:30 pm, dealing

with the motion of the member for Renfrew-Nipissing-Pembroke, and that is the intention of the government. The other motion also allows for night sittings on Tuesday and Wednesday of this week, as permitted by the first motion, that the House now proceed immediately to routine motions. I put forward that routine motion.

The Speaker: That is my understanding. At 6:45 tonight we will be dealing with Mr Conway's motion. As a matter of fact, I'll be in the chair then.

1410

ORAL QUESTIONS

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. The people of Walkerton have our sympathy and they deserve our respect, for they have shouldered this tragedy with dignity, grace and courage. But I also believe that they deserve answers from the people in charge, and I believe that the final responsibility for ensuring that the stuff that comes out of our taps in this province is safe to drink rests with you and your government and with no other person. It's your government's solemn duty to protect our health and to make sure our drinking water is safe and clean.

This morning, your government admitted it found E coli in Walkerton two years ago. When that happened, your only action was to send the town a letter. You didn't send in inspectors. You didn't send in experts to provide help to the people on the ground at Walkerton. Premier, why did you fail the people of Walkerton?

Hon Michael D. Harris (Premier): I think all members of the Legislature would agree that what has occurred in Walkerton is a tragedy. If there are any details of what happened when, the Minister of the Environment would be the best one to respond to those. But the member has asked me specifically about obligations, and we take these obligations very, very seriously.

While our thoughts rest with the families of this community and with everyone who is struggling to cope with these tragic events, last Friday—and I repeat it today—I pledged to the people of Walkerton that all necessary resources of the Ontario government would be made available to provide immediate help. I think that's the first order of business, and that is being done. I also pledged, and pledge to the Legislature, that we'll do whatever it takes to get to the bottom of the tragedy, and that too is being done.

Mr McGuinty: What the people of Walkerton are looking for and what the people of Ontario are looking for is your pledge that you will begin to accept responsibility for what has happened at Walkerton. That's what they're looking for. It appears that some mistakes were made at several levels, but the final responsibility for making sure our water is safe rests with you and with your government. You decide which people, which

policies, which procedures, which programs are in place. Your job is to make sure that nothing goes wrong at the local level, and if something should by chance go wrong, your job is to make sure that your people are in there immediately to make sure it is cleaned up. That didn't happen in this case. You failed the people of Walkerton, and now the people of Walkerton want to know, why did you do so little when you knew two years ago that there were serious problems with the water in Walkerton? Why did you fail the people of Walkerton?

Hon Mr Harris: I think it is clear that this government accepts its responsibility and takes its responsibility very seriously. I apologize to the people of Walkerton, quite frankly, on behalf of all of us. I'm not aware of any test results of two years ago or a year ago. I've only just recently become aware of test results.

But what the people of Walkerton said very directly to me, the mayor said very directly to me, a number I talked to when I was there and when I visited the community centre and chatted with a number of people, is that they want answers. They want to get reassurances that the problems are being corrected immediately, and then they want answers as to who knew what, who was responsible, how much did ministry officials know, how much did health officials know, how much did municipal officials know, how much did politicians know. I pledged to them that we would get to the bottom of that, just as we make a further pledge to the people of Walkerton and of Ontario that we'll do everything we can to ensure this kind of tragedy never happens again.

Mr McGuinty: Premier, we can't begin to move forward on this matter, we can't begin to draw whatever positive lessons might be there for all of us, until you and your government begin by accepting some element of responsibility. That's where it all begins.

This morning, your environment minister held a briefing which was nothing more than an admission of failure. When you gutted water protection in Ontario, you failed to do three very important things: You failed to ensure that testing labs are accredited; you failed to legally require that labs report to the ministry and to local health officials; finally, you failed to put in place regular and frequent inspections so that local officials were backed up by ministry experts. You failed on all three counts, Premier. Why did you fail the people of Walkerton?

Hon Mr Harris: I think I have accepted responsibility, and I accept accountability, as we all do as members of the Legislature and I do particularly as the head of this government. The facts are starting to come out about what happened and when it happened, that actions were taken. I think you've heard from the Minister of the Environment. We have made no changes in any of the reporting procedures since we took office. Clearly, in hindsight, we wish that we had, I would say, made changes. To suggest that now is not the time, that we don't have enough information to take corrective measures—I would point out the number of corrective measures that were announced today by the Minister of

the Environment. I don't think we can wait a day or a week or a month, however long some of these investigations make take. As soon as information is available, we, the minister and this government, will respond, as you would expect us to. As the legislative committee finds any other actions we should take, we should act on that right away, not await the finality of this investigation.

The Speaker (Hon Gary Carr): New question. The leader of the official opposition.

Mr McGuinty: My second question is for the Premier. Premier, the problem is that you've waited four and, in some cases, five years before acting. You had ample warning about this on a number of fronts. Everybody from the Provincial Auditor to the Environmental Commissioner to environmentalists to members sitting on this side of the House warned you about the drawbacks of proceeding at such a reckless pace to close down government labs and to assign responsibility for water treatment and water safety to our municipal partners, who don't have the financial wherewithal, don't have the expertise and need ongoing assistance, at a minimum, from the provincial government when it comes to ensuring that we have safe and clean drinking water inside each and every Ontario community. That's what you should have done, and you failed to do that.

Now he stands up this morning and says he's going to change some regulations. Where was he and where were you four and five years ago, Premier, when you were made full aware of the dangers of proceeding to devolve responsibility for water safety, water cleanliness, to our municipal partners? They, in many cases, don't have the expertise, they don't have the time, they don't have the money, and they need this government, they need you there to assist. Why didn't you act four and five years ago, Premier?

Hon Mr Harris: Certainly the three investigations that we have set up to date, including a legislative committee that we are requesting by way of motion today, will want to take a look at what could have been done to prevent this very serious tragedy. To suggest, though, that Walkerton, which has run its water supply for many, many years—when you were in government, when the NDP were in government, when we were in government—doesn't have the capability, or to suggest that that is the problem, I think is very premature. To suggest that municipalities can't afford to do the tests, which they were asked to take over and do in 1994, as I indicated very clearly in Walkerton, I haven't heard any complaints previous to this to suggest that that was a problem for municipalities to afford.

As to providing expertise, of course the Ministry of the Environment is there to provide its expertise whenever these types of occasions arise. Of course we're doing that right now.

Mr McGuinty: Premier, the only real surprise here in Ontario is that something like this hasn't happened before. You shut down government labs in Ontario. Municipalities were then left in the position—and they

had to take on this new responsibility because you just shoved it down on them; they didn't ask for it—where they had to find out which private labs were out there. You didn't provide for any accreditation or certification program. You didn't provide for more frequent inspections of the local operators. You didn't make sure that we did everything that we possibly could to make sure that the people of Walkerton, and everybody right across the province of Ontario, could continue to make the assumption that when they went to the kitchen tap, when they went to the bathtub, and they turned on the water, the stuff that was coming out of there wasn't going to kill them, Premier. You didn't take the necessary steps to ensure that here in Ontario—and we're not talking about a Third World country; we're talking about Ontario, Canada, in North America. Five people have died, including a two-and-a-half-year-old child. There are 12 on the critical list. This is unprecedented, and you have failed to take the necessary steps to ensure that all Ontario municipalities can rely on safe and clean drinking water. Premier, why have you failed us?

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Hon Mr Harris: I might add that in addition to the legislative committee and the Ministry of the Environment investigation into what went wrong, and the OPP investigation, I think it's very premature to be assessing blame to any ministry, to any official, to any government, to any municipality. As you know, when I went to Walkerton, I made it very clear that now is not the time to assess blame. Now is the time to have sympathy and pay our respects to the people of Walkerton.

Of course, people want facts. It's time to get actual facts out. I haven't heard a lot of factual information but I hear empathy and sympathy from the member, and I think that's appropriate, but I think facts are important to get out. Then we will leave the OPP, we will leave the coroner, we will leave the investigations to see where the fault lay, what broke down and why. At the same time, we want to put procedures in place to assure the people of Ontario that this type of situation doesn't happen again.

Mr McGuinty: Premier, the facts are painful and they are these: You shut down government labs; you cut back on ministry funding by 40%; you let go one third of the staff; you ignored the Environmental Commissioner's recommendations; you ignored the Provincial Auditor's recommendations; your own ministry ignored important information regarding contamination in the water that it had received.

Those are the facts, Premier, as painful as they may be. There is a police investigation underway; it will be confidential and it may or may not result in charges. The Minister of the Environment now is presuming to investigate itself. I have no confidence in that whatsoever. There's going to be a coroner's inquest held and that will look into the circumstances relating specifically to what happened at Walkerton.

What we need here, Premier, in Ontario is a full, independent, public inquiry so that we can provide

reassurance not only to the people of Walkerton but to the people in Wawa and Sarnia and Kingston and Ottawa and London and Toronto and all points in between, that we are doing everything we can to draw whatever lessons we might from this terrible tragedy to ensure that it never, ever happens again. Premier, will you agree to a full, independent public inquiry?

Hon Mr Harris: First of all, let me say that I think it is very presumptuous to assume that private labs are not as effective as government labs. Certainly since 1994, when the government of the day allowed private labs to take over the testing, there has been no evidence yet that I have seen that indicates they're not equally competent and equally capable.

As well, to get to the bottom of this, if the members opposite would like to hear the answer, the coroner's inquest of course will be full and public and have power to call witnesses; the police have substantive investigative powers; and I can think of nothing more public and more substantive than an all-party committee of the Legislature with full power to subpoena.

The Speaker: New Question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. I was in Walkerton earlier today and I had the opportunity to talk to a number of residents of that community who are all clearly of the view that this tragedy could have been avoided. But this tragedy happened because your government over the last five years has placed cut after cut after cut to the Ministry of the Environment.

It was your government that closed the four labs that were dedicated to doing this kind of water testing. It was your government that then cut the budget of the Ministry of the Environment by over \$100 million. Your government laid off 900 of the staff: the scientists, the inspectors, the enforcement officers.

After doing all that, do you accept responsibility here for what has happened? There's a clear link between the Ministry of the Environment's inability to do its job and the tragedy that has happened here. Do you accept that responsibility?

Hon Mr Harris: As I said, as the head of the government of the province of Ontario, I accept all responsibility. I apologized on behalf of the government of the people of Ontario. While I am not involved in every decision that is made in the day-to-day, the responsibility stops here. That is why, while there have been many allegations, I think I heard very clearly from the people of this province, including those from Walkerton, that it's a little premature, before those investigations, to be assessing blame or saying who is responsible.

What I found was needed when I was in Walkerton, from the residents I chatted to, particularly at the community centre, was that a process be put in place to (a) clean up the water as soon as possible and (b) make sure it never happens again, and (c) that there be a full and open investigation to get to the bottom of this. I have committed to do that. I think it is very premature to suggest that your move to allow private labs had anything

to do with it; I said very clearly I don't think that had anything to do with it. To say that municipalities should be responsible for the tests that you did in 1994, I said I don't think that had anything to do with it. I hadn't heard that. I think it's very premature for you to judge as well. But I think what we want to do is make sure there's a process to get to the bottom of this.

Mr Hampton: Premier, what we need to acknowledge is that what happened in Walkerton isn't some isolated event. It didn't just happen, unrelated to other events. Your government has systematically gone after the Ministry of the Environment. You have systematically laid off the scientists, systematically laid off the inspectors and the enforcement officers, systematically taken the budget that is necessary to do this kind of inspection and enforcement work.

Just another example I want you to acknowledge: We have learned that you cut the staff assigned to drinking water quality and water quality generally by 42%—113 staff assigned in 1995 to water quality, now down to 48. You cut the staff assigned to groundwater and hydrology by 53%, from 28 in 1995 when you took office to 15 now. Premier, how do you expect to protect the water supply of the citizens of Ontario when your government is busy wiping out the very inspectors who are there to do that?

Hon Mr Harris: It is true we have downsized government in a number of ways to get it to operate more effectively and more efficiently. We campaigned that we would do that. We made it very clear to the public that we had too many people and were not delivering a high-enough quality of product. We had an \$11-billion deficit. Had we carried on that way, we would not have had any resources left for anything.

But I tell you this: The recommendations that we accepted for the Ministry of the Environment were to provide better service, and at no time was any single individual downsized in the Ministry of the Environment, at no time was any person downsized in a way that should have affected the delivery of any services of the Ministry of the Environment. That includes one of the most important services, and one of the ones that we consider the most important, and that's the delivery of quality, clean, safe water.

Mr Hampton: I think what we got was an acknowledgement from the Premier that he has in fact gutted the Ministry of the Environment in terms of its capacity to do the very work that was at stake here. Not only that, but the Environmental Commissioner came forward in the 1995 annual report and said that your government had to bring forward a groundwater protection strategy or there would be this disaster.

When your government was warned, your Ministry of the Environment was warned about the serious problems in lab tests in January, February and March of this year, you did nothing until April. Then you simply made a phone call. When your Ministry of the Environment staff finally went up to Walkerton on May 20, you failed to

even talk to the medical officer of health who has blown the whistle on this whole thing.

Premier, you can't stand here and say that your government isn't responsible for this, and you can't tell us that the meagre things that were announced today by the Minister of the Environment are enough to ensure that this won't happen again. Are you prepared to put the staff back into the Ministry of the Environment, to give them the budget they need to do the inspections and the enforcement, and are you prepared to start listening to the Environmental Commissioner, who in 1995 warned you that this disaster could happen unless you brought forward a comprehensive groundwater strategy?

1430

Hon Mr Harris: I think it's very important to understand I didn't say we were responsible; I didn't say we weren't responsible. I can tell you that there have been no changes to the ministry budget that we approved that was to do anything other than deliver higher-quality service at a better price, as you did. You asked municipalities to take over some responsibilities; so did we. We asked the ministry to—

Interjections.

The Speaker: Would the Premier take his seat, please. Today we are obviously going to have some controversial issues, but we can't proceed when I can't hear through yelling and screaming. I will remind members that this afternoon we'll be debating this, and if I have to name people, they won't be around for that. I can't have a situation where I cannot hear the answer coming forward from the Premier. Sorry for the interruption.

Hon Mr Harris: For example, I am told there has been no reduction in the number of enforcement officers, those who go out and actually lay the charges and do those inspections. As in other areas, we've asked for duplication to be avoided; we've asked for technological improvements. But to suggest that this has been responsible for fewer inspections—it's not true. We've had as many tests as we've always had; we've had the same procedures in place.

The challenge here is to find out what went wrong, are there procedures that need to be tightened up, where there was human error, where there were warnings that were ignored. We want to get to the bottom of this and we have acknowledged and put into place three investigations and, if this motion carries today, a legislative committee, with all the powers to subpoena and to get to the bottom of this.

The Speaker: New question, leader of the third party.

Mr Hampton: If the Premier wants to show true compassion for the people of Walkerton, there are a number of things he and his government can do right now. The first is to release the most recent water quality test results for all municipal drinking water systems, something you haven't done. The second is to tell the public which water treatment plants have outstanding orders against them from the Ministry of the Environment, something you haven't done. The third is to release the most recent audit reports on the status of all Ontario water treatment plants,

and if those audits have not been done, they must be done immediately. If you want to show true compassion, Premier, and start to indicate that this won't happen again, you and your Minister of the Environment will do these things now. Are you prepared to do that?

Hon Mr Harris: I appreciate the advice and I will ask the ministry if we can legally do this.

Mr Hampton: Finally, Premier—this has to do with the motion that you put forward today, because there are real problems with it. One part of the motion is that if there's any kind of legal proceeding, it means that the committee work has to stop. That's clearly in the motion. So if there's a civil proceeding out there, all of the work has to stop. Premier, that's unacceptable. In fact, that looks an awful lot like Ipperwash. Your government refuses to have an inquiry around Ipperwash, you refuse to talk to the family and you refuse to address the outstanding issues because you say, "There's a civil proceeding."

Premier, the only thing that will do here is a public inquiry—a public inquiry which will not be beholden to your backbenchers and a public inquiry which will not be beholden to some legal proceeding that might happen somewhere. If you really want to show compassion and you really want to get to the bottom of this and ensure that it doesn't happen again, we will have a full and independent public inquiry. Are you prepared to do that, Premier?

Hon Mr Harris: Certainly the coroner's inquest will be very public and will have the power to subpoena witnesses and will be there. Certainly the OPP investigation will have the powers it needs and will be exhaustive. The Ministry of the Environment—as you know, it's an ongoing review. They've already released recommendations. We're suggesting the committee begin right away. We think there are a number of things the committee can do. The suggestion here is so we don't get into a situation like the Patti Starr affair or some of the others, where there are courts that say, "You will have to stop," or, "You're prejudicing or jeopardizing any actual legal proceedings."

Interjections.

The Speaker: Order. Premier, take a seat, please.

The member for Hamilton East has been yelling out, and he's not sitting in his seat. You can sit there, but you can't continue to yell out. Sorry for the interruption, Premier.

Hon Mr Harris: Contrary to what you allege, I think the committee ought to be able to get started right away and be able to deal with information right away. Even if there are criminal charges or other court actions, there's no reason for the committee not to be able to travel the province and take a look, as you suggest, at other water facilities. The motion says that, and the motion covers that. If you would like to propose amendments to the motion to make it even better, then that's what this debate is to be for this afternoon.

The Speaker: New question. The leader of the official opposition.

Mr McGuinty: Premier, this is the largest outbreak of E coli infection, as we know it, in the history of North America. Some 1,000 people were crippled over it, with terrible cramps, experienced bloody diarrhea. Hundreds went to the hospital. Five people died, and 12 people are in critical condition as we speak.

Do you not think, Premier, that in these circumstances a full, independent public inquiry is warranted? Given the huge public interest in this matter, given the overwhelming public concern in every corner of this province, is not the appropriate thing to do in the circumstances, in the interests of all Ontarians, to have a full, independent public inquiry that begins its hearings immediately, that takes a look at this matter in the most open and transparent way possible, so that we can draw whatever lessons we might and put into place whatever changes we have to put in? Why would you not agree to a full, independent public inquiry?

Hon Mr Harris: We have three inquiries underway right now, and I think there's nothing more public and thorough than a coroner's inquest, which the coroner has indicated will take place. I suggest to you there ought to be nothing more thorough than a legislative inquiry by all members of the Legislature. If, after all of this, you think a fifth, a sixth or a seventh inquiry is warranted, you can bring that forward. My experience with public inquiries is that they are very expensive, they take months to set up and get going, and we just think we need a legislative committee to get started right now.

Interjections.

The Speaker: The member for Kingston and the Islands, this is his last warning. If he continues, I'll have to name him, and he will not be here, I'll remind him, this afternoon for this entire debate. I have no order. You can't be shouting and banging at the desk when the Premier is trying to answer the question. This is your last warning.

Mr McGuinty: Premier, what is it that you have to fear from a full, independent public inquiry? You know that the legislative committee proposal that you put forward has a couple of serious shortcomings. First of all, it is run by the government. You're in charge. You get to decide what you want to hear, when you want to hear it, and you get to decide ultimately what kind of recommendations are going to be put forward.

Second, it is severely limited by a clause you've got in there that says this committee can't begin its work in earnest until such time as all other investigations and findings have been made. This is an urgent matter. Five people have died. We've got to find out exactly what we can do in every part of the province to make sure this doesn't happen again.

Why is it that you would have us embark on this committee process, dominated by government members, that will not begin its work in earnest for perhaps eight to 12 months to two years, for all we know? Surely you would agree that in the circumstances, the most important thing we could do would be to launch, effective immediately, a full, independent public inquiry so that we can do

the very best for the people of Ontario because, to date, you have failed to live up to your responsibility to protect them?

Hon Mr Harris: We certainly expect the coroner to proceed immediately with a full, independent coroner's public inquiry. We expect the legislative committee to be able to get set up as soon as possible if you will approve today of a full-blown public inquiry done by the legislative committee, with all the powers of the legislative committee. I'm surprised actually that you are opposed to that, but perhaps in debate today I'll find out why. You asked me to accept responsibility. I have accepted responsibility. This party accepts responsibility. Now it's time for this Legislature to accept responsibility for what went wrong and how we make sure it never happens again.

1440

ONTARIO RESEARCH AND INNOVATION OPTICAL NETWORK

Mr Brian Coburn (Carleton-Gloucester): My question is for the Minister of Energy, Science and Technology. As always, it's a pleasure to have you visit the nation's capital. Last week you were in Ottawa and made an announcement that puts us on the leading edge of technology. You announced the Ontario Research and Innovation Optical Network, more commonly known as ORION. Could you tell the members of the House what this initiative means for the region of Ottawa-Carleton?

Hon Jim Wilson (Minister of Energy, Science and Technology): The Ontario Research and Innovation Optical Network, or ORION, is a five-year, \$57-million investment by the province of Ontario that, with our partners, should yield over a \$150-million investment. What it is is the next generation optical Internet. It will connect our universities, and eventually our colleges, and our major research institutions so that they can use the best computing resources available around the province. We can't, practically, have a supercomputer on every researcher's desk, but we can have an advanced Internet dedicated to research that links the power of those supercomputers so that places like Ottawa-Carleton, the region of Ottawa and other research areas in our province can have the best tools possible to do the most advanced research, which will eventually lead to increased high-tech jobs in the Ottawa area and throughout the province. Ontario indeed will have the most leading-edge research Internet available to any researchers in the world.

Mr Coburn: Because of innovative research and the growing research industry in the Ottawa area, explain to us how ORION will help expand research and development with many of these expanding technologies in Ottawa-Carleton.

Hon Mr Wilson: To my colleague I'd say again that the optical Internet that we're installing will be very much like the original Internet, except a lot faster, carrying a lot more data and giving the power of a supercomputer to the average researcher's PC on his or her

desk or in his or her lab. It's a very exciting project. It's one in which a number of partners from the private sector have come together, along with the universities and colleges and research institutions, and it puts Ontario as a lead in the world for the next generation Internet.

We can be proud as members of this assembly that this government is sponsoring the next generation Internet. It will be born in Ontario and it will lead to more high-tech jobs that will come from our universities and colleges, particularly jobs in terms of distance learning, telemedicine and access to large biotechnology databases, which are becoming more and more important in our province.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): My question is for the Premier. While you were on the campaign trail in 1995, you explained to reporters that your common sense manifesto was such that you would be able to find \$6 billion in cuts to government spending without cutting the environment. Indeed, Premier, you proceeded to say, "I don't think you'll find a cent there cut out of the environment."

Now that you can see the devastating impact that gutting the Ministry of the Environment has—that is, 40% of the budget gone and a third of the staff gone—now that you can see the effect that it has on the health of your fellow Ontarians, will you stand in your place today and acknowledge that in your all-consuming quest to chop spending and download responsibilities to free up money for your tax cuts for the wealthiest people in this province, you have indeed placed the health and lives of Ontario residents in jeopardy?

Hon Michael D. Harris (Premier): I don't believe (a) that the member expects me to acknowledge that, or (b) that the member believes that. Certainly any of the efficiencies that we have sought from government have been to avoid duplication or do things more efficiently or more effectively. We've done that throughout a number of ministries.

Clearly there will be an investigation to take a look and see whether any of those actions have had any bearing or any effect on the Walkerton situation. To date, I have not seen any indication that that in fact has been the problem. But we want to leave no stone unturned, and the member, I would hope, would want to participate in a legislative committee because he has expertise in the environment from his former days. He would know that the procedures we're following are the same as when they were passed on to us by the former administration. If there's anything in the procedures that is a problem, we need to know that. The minister has already identified some; we want to take a look at it all.

Mr Bradley: I won't be interested in participating in a committee that has an Ipperwash clause in it. But I'm going to ask the Premier about a second promise that he made during that election campaign, a promise which was renewed just a few days ago. That was to set up a

Red Tape Commission. As you know, the Red Tape Commission has cut out many, many regulations, hundreds of regulations, it says. It has influenced a change in legislation to get the Ministry of the Environment out of people's faces, as I think some people on the commission might say. Even one of those commission members, a senior Progressive Conservative MPP who headed the Ontario Red Tape Commission, urged the Ministry of the Environment to drop its prosecution of a company that violated a provincial landfill regulation because he believed the regulation was going to be changed, was going to be weakened, was going to be removed.

Premier, would you tell the people of this province how many regulations in this province have been removed or tampered with by you that impact adversely on the environment, and will you now end the Red Tape Commission's role of gutting the environment ministry and gutting environmental regulations in this province?

Hon Mr Harris: Certainly, absolutely none of the regulations that we may have changed or amended, in my view, have affected negatively the environment. They're all designed to affect the environment positively. When you go to the Rouge Valley commitment, when you go to the Lands for Life and the Living Legacy, the record number of parks that we've created, when you go to the new, tougher standards that we have set for air emissions, for example, when you go to the commitment in the Blueprint for even tougher fines for infractions, we take violations of our environmental regulations and laws very, very seriously, as we take violations of any of our laws very seriously. At the same time, we want to be able to, as expeditiously as possible, investigate these situations and lay charges where we should.

MUNICIPAL REFERENDA

Mr Doug Galt (Northumberland): I'd like to direct my question to the Minister of Municipal Affairs and Housing. This fall, Ontarians across the province will be going to the polls to elect their municipal governments. In the past, municipalities have used municipal elections as a time to put questions on the ballot. These plebiscites have often had wide-ranging topics, from local issues to provincial and even federal ones. Minister, could you tell us what jurisdiction municipalities have to ask questions on the municipal ballot?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I thank the honourable member for the question. Indeed, our government has been and continues to be committed to supporting efforts to promote local and improved participatory democracy in this province.

During this session I was pleased to introduce Bill 62, the Direct Democracy Through Municipal Referendums Act, 2000, which, if passed by this Legislature, allows the municipalities to ask questions on the municipal ballot about local issues. If it's something they can pass in a bylaw, if it's something they can approve by a policy, if it's something they can direct staff to, that is obviously an issue of local jurisdiction, and we provide

the citizens an opportunity to indicate directly their views on municipal government and on those local issues. Through that legislation, should it be passed, we will be providing the framework for municipal questions so that what is being asked in a municipal election is pertinent to local government and is what they can be empowered to legislate, so they can have an effective say on issues that concern them.

1450

Mr Galt: Thank you, Minister, for that response. However, in the past there have been, shall we say, dubious manners in which plebiscites have been held. You may recall that last Friday, May 26, in Bobcaygeon, the wardens of eastern Ontario met. They questioned how this ballot question might be clarified prior to going on the ballot. Minister, could you please tell me and the House how we will ensure that questions asked during municipal elections provide voters with clear options so that they can make informed decisions?

Hon Mr Clement: Indeed, historically, while some municipalities have done well to ask local questions and get local input, there have been cases of questions of dubious repute that have, I think, tinged democracy, tinged local involvement. So the legislation does provide that the municipality shall only ask questions about issues that are within their jurisdiction, that can be passed by bylaw or initiated by policy or that staff can be directed to do. Questions must be clear and precise and in the form of a yes-or-no answer. It's also required, for the result to be binding, that voter turnout be at least 50% on one side of the question. If it's less than that, the municipality can have regard to the result but it's not required. Once these conditions are met, the results of the municipal question will be binding on that municipality. It shows once again our seriousness in this regard.

Of course, this House, on the direction and on institution by the Mike Harris government, passed the Taxpayer Protection and Balanced Budget Act, and the whole idea again is to provide the government's continuing commitment to participatory democracy.

WATER AND SEWAGE INFRASTRUCTURE

Ms Marilyn Churley (Broadview-Greenwood): My question is to the Minister of the Environment. On May 26, the Ontario Sewer and Watermain Association wrote to David Lindsay of the SuperBuild Corp: "We have seen too many examples of municipalities cutting back on water and sewer capital programs in order to balance their budgets. As I write this letter, I am listening to the tragic events in Walkerton where it appears that a chlorination system had been in disrepair for some time. This is the type of situation the provincial water and sewer protection fund was designed to address."

Minister, you decided to cancel this essential program at the end of this fiscal year. I'm asking you now, will you restore this program, and not only restore it but increase the funding?

Hon Dan Newman (Minister of the Environment): I just want to begin by expressing my condolences to the people of Walkerton on this situation.

In the question the member puts forward, she talks about a fund. We had a \$200-million provincial water protection fund which was to be over three years. We accelerated that fund so that municipalities could have access to that money on a more timely basis; that's what we did in the last fiscal year. We wanted to ensure that municipalities had access to that money so they could have clean water and clean sewage treatment facilities. The fact of the matter is that we accelerated that money.

The sad reality is that the town of Walkerton never applied for any of that money that was made available. The last time the town of Walkerton applied for money was in 1991, and that money was made available to them. But the town of Walkerton did not take advantage of the money from the \$200-million provincial water protection fund.

Ms Churley: I don't think the minister should be blaming the town of Walkerton for this one. Has the minister seen the strict criteria attached to this one-time funding? He should take a look and see for himself how difficult it was made for municipalities to get that money. This is a one-time-only transitional fund, as they call it, because they're completely phasing out money to municipalities for sewer and water projects. They've downloaded the whole thing. They are phasing it out. In 1995-96, \$232 million went to mostly sewer and water programs out of the MAP program; in 2000-01 it was \$65 million. You're completely phasing out all the money to help municipalities with their sewer and water systems.

I'm asking you again, in view of what happened in Walkerton and in view of what we now know about the state of disrepair in some of the old infrastructure across this province, will you commit today to increase the funding for this fund? Furthermore, I would ask the minister that he go back to the Premier and demand that the \$100 million this government took out of the budget for environmental protection and the protection of the health of the people of Ontario be put back in the budget immediately.

Hon Mr Newman: First off, no one is blaming anyone. I was simply trying to illustrate the point that the province has made money available. Some municipalities chose to access that money and others didn't. Municipalities have always run their water and sewer facilities. In 1997, title was transferred to those municipalities that didn't actually have title of those facilities. That's why one of the recommendations I brought forward today is that all certificates of approval are going to be reviewed in this province for every water facility. On top of that, we're going to ensure that certificates of approval are approved every three years. That's what we're going to do.

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Last week you visited the people of Walkerton. I gather that you would have been thoroughly briefed about this issue going into that community. You would have known that in 1998 E coli had been detected in the water in Walkerton. You would have known that that had not been made public. You would have known that coliform had been detected on several occasions between January and April of this year. You would have known that the water was unsafe as a result. Why is it that when you were in Walkerton just last week, you did not tell the people about these facts?

Hon Michael D. Harris (Premier): I think the minister can refer to the facts better than I can.

Hon Dan Newman (Minister of the Environment): There was a regular inspection done of the water facility in Walkerton in 1998. In fact, it was done in February of that year. I want to go through some of the events with respect to that inspection and what happened as a result of it. There was a detection of E coli in the system.

On May 6, 1998, in the final report, these were the recommendations of the ministry inspector: He recommended the use of chlorine to maintain a satisfactory level of disinfection; he recommended the need for the ongoing training of the operations staff; and he recommended the requirement to adhere to the minimum sampling program as laid out in the Ontario Drinking Water Objectives. This requirement, it's important to note, was conveyed to the public utilities commission in a letter from the ministry in June 1995. This report was sent to the public utilities commission and copied to the town of Walkerton and to the Bruce-Grey-Owen Sound Health Unit.

On July 14, 1998, the commission wrote to the ministry's Owen Sound office and stated that it would implement all of the recommendations of the inspection report—all of the recommendations. On July 30, 1998, the Owen Sound office acknowledged the commission's letter and provided, at the commission's request, an update on the ministry's emergency contact procedures. That's what we did.

Mr McGuinty: Minister, when you were in Walkerton last week and people were desperately searching for answers and they were wondering who was responsible for this tragedy that unfolded before their eyes, why did you not tell them that your own officials had refused to comply with the Ontario Drinking Water Objectives and had failed to pass along information to local health officials? Why did you not stand before them and tell them about that important detail? Why did you overlook that fact? Why did you not come clean with the people of Walkerton and say: "Listen, we screwed up here. We made a terrible mistake. I had a responsibility to bring this information to the fore and give it to your local health officials. That did not happen on my watch"? Minister, why did you not do that?

Hon Mr Newman: I want to tell you that when I was in Walkerton last week, no one was pointing fingers at anyone. People wanted answers. We all wanted answers. I want answers; the Premier wants answers; the people of Walkerton want answers; indeed the people of Ontario want answers. That is why today the recommendations that I brought forward which will be in the form of regulation are so important that they are given the force of law in this province.

While the members opposite scoff at this idea, they all had an opportunity when they were the government to put these measures into regulation. The Liberals had the opportunity to, the NDP had an opportunity to and, yes, Progressive Conservative governments of the past could have put it into regulation. We're putting in regulations—

Interjections.

The Speaker (Hon Gary Carr): Minister, take a seat, please. Sorry for the interruption, Minister.

1500

COMMUNITY SAFETY

Mr Garfield Dunlop (Simcoe North): My question is to the Solicitor General. Minister, constituents in my riding have consistently told me that they take the issue of community safety very seriously. At local events, on radio open-line shows and door to door, people I've talked to in my riding of Simcoe North all believe that we should be able to live in our communities free from the fear of crime.

Minister, our government had made commitments to the people of Ontario. Could you tell this House and the people of Simcoe North some of the commitments our government has made to make our communities safer?

Hon David H. Tsubouchi (Solicitor General): This gives me an opportunity today—thank you to the member for Simcoe North—to indicate to people across Ontario that in 1997 we established the proceeds of crime unit. These particular proceeds allow us to use the assets of criminals in order to fight crime. Clearly, to date almost \$1 million has been expended on a number of very good projects, including the helicopter pilots which we have had in six jurisdictions.

I might say to the people of the Toronto that if and when the city decides that they want to support a helicopter project, the province will still be there to support that. I believe it's important for them in terms of safety in the streets.

Second, I'd like to say that I believe the community at large appreciates the efforts being made to support the police. In fact, I believe the community at large supports the police. As well yesterday I was at the People's Church, and Pastor Hull had a special service for the law enforcement community to thank them for their contributions to their communities.

Mr Dunlop: I'd also like to thank you for the grant of \$18,000 for extra overtime policing in the RIDE program. Clearly this government believes that when we make a commitment to community safety, we keep it.

Some of our commitments to make the community safe deal with providing the police with the tools they need to help them do their jobs.

Minister, the battle against crime takes place from the front-line police officers on the streets to the involvement of community organizations. Could you tell the constituents of my riding, and the people of Ontario, about the initiatives our government has taken to help community organizations fight crime?

Hon Mr Tsubouchi: There's a very good organization that we have been supporting for some time called Crime Stoppers. Just this weekend they had their conference to discuss future directions and initiatives with which Crime Stoppers wishes to assist the government and policing community to crack down on crime. This took place in North Bay.

Just two weeks ago I was able to present Crime Stoppers with a cheque in the amount of \$190,000, and that's to support their after-hours telephone service, which does have results. I'm proud to tell you that Crime Stoppers, in conjunction with police, has resulted in the arrest of over 50,000 persons, clearing over 79,000 cases and recovering over \$429 million worth of stolen property. Clearly, this is the result of our supporting what I believe is a very good organization of volunteers who deserve a lot of credit in terms of assisting us and assisting the policing community in fighting crime.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): I have a question for the Minister of the Environment about when he knew things were happening. It was reported that there was coliform found in the water of Walkerton in January and April of this year; in other words, in the period of time before May of this year. That is usually a sign that there is a problem, when you find bacteria of that kind in the water. In addition to that, in February 1998, E coli was found in the water. I don't know who the minister was then. It's a revolving door over there. You had about four ministers, some part-time, some half-time.

I want to ask you this question: When did you know that information, Mr Minister, and when did the previous minister know that information about the E coli? And when you found out about that information, what specific action did you take and what action did the other minister take?

Hon Dan Newman (Minister of the Environment): What I can say is that on April 3, 2000, four of the eight samples—that included two from water supply wells and two from the water distribution system itself—showed potential contamination. The GAP laboratory faxed these preliminary findings to the ministry's Owen Sound district office on April 7. On April 10, staff from the ministry's Owen Sound office contacted the Walkerton PUC to address the irregular results. The PUC did not indicate that it was experiencing any significant problems with its system. At this point, the district office did not notify the medical officer of health. It's very important to

note that at this point we have a current operational assessment to this matter and it shows that there's no direct link to the situation that arose in Walkerton a month later. We expect that issue will be fully scrutinized as part of an ongoing investigation.

Mr Bradley: What I was interested in was what the minister knew at the time, what he did and what the previous minister, whoever it was, did in February 1998, because those were very serious problems that would of course have come to the attention of the Minister of the Environment at a management committee meeting of the ministry or by report to the minister.

Speaking of reports, I want to ask why we don't get an annual drinking water surveillance program report; at least if you do, you don't advertise it very much. The Sierra Legal Defence Fund asked the question in the report it released two weeks ago called *Who's Watching our Waters?* I think I know the answer to that. It's not the Ministry of the Environment or the Harris government. It's somebody else watching, but it's not you people. Every time somebody wants to get a report now of any significance in a timely fashion, they have to file a freedom of information request and either pay for the report or have it long delayed.

Minister, could you tell us why we don't seem to be getting an annual drinking water surveillance program report put out and advertised and made easily available to the public and why it takes so long to get your discharge report?

Hon Mr Newman: On the issue of the discharge report that the member mentioned, it doesn't differentiate, as I indicated two weeks ago, between a 0.001% exceedence of an allowable discharge level or a 300% exceedence.

The member also raised the issue of freedom of information requests. It's important to note that there is a lot of time and effort on the part of ministry staff that is spent as a result of freedom of information requests. I think the Ministry of the Environment probably gets the most freedom of information requests. I can tell you that it puts a lot of stress on the staff to get that information. It costs a lot of money and a lot of time because of the number of freedom of information requests placed before the ministry.

1510

NORTHERN HIGHWAY IMPROVEMENT

Mr Joseph Spina (Brampton Centre): My question is for the Minister of Northern Development and Mines. Last week, as part of our Tourism Week celebration, I travelled from Sault Ste Marie to Mattawa and from Thunder Bay to Kenora. Minister, as you know, the people who live, work and particularly vacation in the north have to overcome great distances when going from one community to another. I noticed a lot of construction going on. The harsh climate of northern Ontario requires a solid infrastructure. What steps have you been taking to

ensure that northerners have a great highway system that makes it possible to overcome those distances?

Hon Tim Hudak (Minister of Northern Development and Mines): I thank the member for Brampton Centre for the question. I want to, as well, commend the member for his interest in northern issues, both as parliamentary assistant at this ministry and at Tourism. I know the member was travelling around extensively and continued to do so even last week, from Mattawa to Kenora.

As the member and those in northern Ontario know, this Mike Harris government has invested record levels of spending on northern Ontario highways—in our first mandate, up to \$730 million—and announced in this budget a four-year program of \$850 million into northern Ontario highways alone. I had a chance to drive between Dryden and Fort Frances myself last week, down 502. There is investment in Highway 11 and 502 north to Dryden. There's no doubt—and I hear this from corner to corner of the north—under the Mike Harris government, there are two seasons: There's winter and there's construction season, because we know the importance of highways to the northern Ontario economy, to tourism, to trade and to commercial development.

VISITOR

The Speaker (Hon Gary Carr): The time for oral questions is over. Just before we begin, in the members' west gallery is Mr Bob Huget, who was the member for Samia in the 35th Parliament. Would all members join me in welcoming the former member back.

ORDERS OF THE DAY

WALKERTON TRAGEDY

The Speaker (Hon Gary Carr): Pursuant to the order of the House passed earlier today, I recognize the Minister of the Environment to move a motion respecting the tragic events at Walkerton.

Ms Marilyn Churley (Broadview-Greenwood): On a point of order, Mr Speaker: Very briefly, I would like to, under the circumstances, given the nature of this emergency debate today, ask unanimous consent that we divide the time equally between all three parties.

The Speaker: Is there unanimous consent?

I'm afraid I heard some noes.

Hon Dan Newman (Minister of the Environment): I move that:

This House expresses sincere regret and concern over the tragic events faced by the residents, families and friends of the citizens of Walkerton;

That this House sends its condolences to those who have lost loved ones and its prayers for those who continue to struggle with the ravages of this tragedy;

That, out of respect for the victims of this tragedy and as a sign that the entire province joins with the people of Walkerton in mourning, staff of the Legislative Assembly be directed to fly flags at half-mast for the remainder of the week;

That this House pledge, as Premier Harris has, to do whatever it takes to get to the bottom of this tragedy, and, to that end,

That the standing committee on general government be directed to review the circumstances leading to the tragedy in Walkerton, and to report its findings and recommendations back to this House;

That for purposes of its review of this matter, the committee is authorized to travel from place to place in Ontario and to meet and receive evidence from witnesses when the House is not in session;

That the committee commence its review by considering, as they become available, the results and any recommendations that emerge from the Ontario Provincial Police investigation, the pending coroner's inquest, and the investigation by the Ministry of the Environment; and

That if legal proceedings arise from these investigations, the committee suspend its review of any specific issues that are the subject of those proceedings, but may continue to review and recommend government action to ensure the reliability and safety of Ontario's water supply.

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ensure the reliability and safety of Ontario's water supply.

Hon Mr Newman: Can I have unanimous consent for Mr Harris and Mr Galt to share the leadoff time?

The Speaker: Is there unanimous consent? Agreed.

Hon Michael D. Harris (Premier): Thank you very much. It is with a great deal of sadness that I rise to discuss the tragic situation in Walkerton. I don't believe there's a single person in this province, indeed a single Canadian, who has not been touched by the events of the past week. As I said on Friday when I visited this grief-stricken community, all Canadians are united with the families of Walkerton. We're united in grief; we're united in prayer; we're united in heart and in mind; we're united in the determination to stand by one another until this situation passes.

Speaking personally, not only as Premier but as a father and as a son, as a fellow citizen, I, like members of this Legislature, have been moved by this tragedy. Like most Canadians, from the moment I first heard about this situation right up until now, two things have continued to weigh heavily on my mind. The first is the realization that this tragedy is rooted not in an activity known to be hazardous, but in something we rightly expect to be clean and we rightly expect to be risk-free. We're not talking about airplane travel or motor racing; we're not talking about a tornado or flood or other natural disaster. We're talking about drinking water, the most important requirement for human life on this planet and something that we in this country are privileged to be blessed with in abundance. We take for granted, and I think we have a right to take for granted, that when we turn on the tap, what comes out is safe and is clean and is not contaminated. Parents have a right to take for granted that what they give to their children is life-sustaining, not life-threatening. The fact that the families of Walkerton fell victim to something that each and every one of us takes for granted, something on which each and every one of us relies, the fact that their only mistake was to place their trust in a resource that each of us trusts too, only compounds the horror of this situation.

The second, and related, issue that weighs heavily on each of us is the thought that this tragedy clearly should have been avoided, that loss of life should have been prevented. But if any good is to come out of this horrible tragedy, if we are to learn from what went wrong, then these difficult questions must be asked. The people of Walkerton demand answers, the people of Ontario demand answers and I demand answers.

For example, if there was a delay in alerting residents to the presence of deadly bacteria in their water supply, I want to know why. This I say not simply as an individual, but as Premier on behalf of the province. I will leave no stone unturned and I will not rest until that question is answered. That is precisely why I want a committee of this Legislature to conduct a full, open and public review of the circumstances surrounding this tragedy. The government will co-operate fully with the committee's review. More specifically, all employees of the

government will be instructed to furnish the committee with any information or documents that the committee requests.

It is my hope too that a public review will also dispel some of the misinformation and the inaccuracies that have entered into the discussion. Some have focused on the use of private labs to test the water. I caution that we do not yet have all the facts, but based on the information reported in the media, we do know that the testing worked. The testing was accurate. The testing correctly identified the presence of a deadly contaminate in the water. It would seem that the testing itself is not the issue, but rather what happened to the test results and when. I, like everyone else, demand answers.

1520

A tragedy has taken place. Our responsibility is to find out why, to ensure that such a horrible situation can be avoided in the future. That is a weighty responsibility. We demean that responsibility when we use the tragedy as an opportunity to score political points or to seek political advantage. So I urge everyone to address this tragedy with the respect for factual accuracy that the situation deserves. I remind everyone, we don't yet have all the answers. We do not yet know all the facts.

Mr Speaker, protocol dictates that I address my remarks through you, but if I might, I would like to close with a message to the families of Walkerton.

In the midst of grief and of sadness, you are not alone. The rest of the province, the rest of the country, stands with you. Canada is a vast nation, but at times like this it becomes a single community and what touches any one part of our community then touches us all. You're in our thoughts, you're in our prayers, you're in our hearts, and I assure you we will do everything in our power to get to the bottom of this. We'll do everything possible to find out what went wrong, when it went wrong, why it went wrong and how it went wrong. We will do all that we can to avoid such a tragedy in the future, and we will not rest until we do.

Mr Doug Galt (Northumberland): I rise today, and it's certainly a very sad time in the province of Ontario, when several people have died and many more are seriously ill in the community of Walkerton and also in the amalgamated community known as Brockton. Certainly my empathy and sympathy go out to those people, particularly those who have lost loved ones. I can appreciate that it must be extremely difficult at this time, and particularly also for the many who are sick and still wondering what the outcome will be.

Today in question period the Premier answered very capably many of the questions that were put forward. As he has indicated, not only he but the government of Ontario and the Legislature certainly should take responsibility for finding answers to what is going on here, a very serious situation indeed. As he has already mentioned, there will be a coroner's inquest. There's no question that when deaths occur in humans under various circumstances, a coroner's inquest is called, and that's what's going on here. Coroners' inquests, as members of

this Legislature and the people of Ontario know, are very extensive. They can call witnesses and they come forth with recommendations that the province and the courts pay attention to.

An OPP investigation is also going to be carried out on this whole problem, as to who did what and how it happened and what went wrong and why. We have great respect for our people in uniform who carry out these investigations—again, an investigation that's going to be very extensive, an investigation that can call forth witnesses. We'll be examining this in great detail.

Over and above these investigations that will be carried out, we'll be having an investigation by a standing committee of the Legislature, the general government committee, made up of all parties. Again, they are unlimited in what they'll be able to do in calling forth witnesses, asking questions and delving very deeply into this whole affair.

I have followed this over the last few days with great concern, having worked in a diagnostic lab and having a little understanding of some of the organisms they're dealing with. I thought it was very unfortunate the way the members of the official opposition and the members of the third party dealt with this. Here we had a situation of people dying and people very ill—we're talking about 500 to 1,000 people severely ill—and these people on the other side of the House trying to win political brownie points. I was embarrassed as a politician to experience and to see this kind of thing going on with members of the opposition. I held them in high regard, but certainly after what I was observing over the weekend that has dropped significantly, and I'm a bit ashamed—not a bit; I'm very ashamed on their behalf. They do not seem to be ashamed, and I think that's very unfortunate.

This is a very difficult situation, very unfortunate, and I acknowledge that. At the same time as we acknowledge that, I think we can recognize that in the province of Ontario and in Canada we have some of the safest drinking water in the world. Rarely do we run into situations where the water is contaminated and we have this kind of situation. It's not a time, maybe, to be celebrating, but at least it's a time to be thinking about how much of our water is looked after and is properly handled. Yes, what has happened at Walkerton is extremely unfortunate, but at least we can recognize the kind of water that we have available in this country and in this province called Ontario.

I think what's going on in Walkerton is difficult, but what the people of Walkerton, I'm sure, are looking for is clean water in the future. We can walk through all of the things that occurred and have happened over the last few days, over the last few months, and we can point all kinds of fingers—and obviously the opposition indeed has been pointing fingers right, left and centre—but I think it's very unfair that they're doing this at this point. What the people of Walkerton want is to have the problem solved and have clean water in the future.

The Premier repeated many times that what's more important than pointing fingers is to get some facts, get

some figures, get some understanding of what went wrong in Walkerton and then once those are sorted out by the three studies or investigations that will occur—the coroner's inquest, the OPP investigation and the standing committee on general government—once we have those reports and as information becomes available during those studies, we can then implement changes and possibly change regulations, possibly change reporting procedures and ensure that this never happens again in any other community, in any other municipality in Ontario. I'm sure that this incident in Walkerton will have epidemiologists around the world studying it for many years to come, and what we do and how we respond will be part of that report and part of what those epidemiologists will be acknowledging.

I think it was rather interesting to hear the member for St Catharines talking about the importance of public labs and trying to draw a comparison of how public labs do better than private labs, which I really have to question. I also found it kind of ironic in the fact that he has stood here and criticized me, because once upon a time I was a director of a public lab. But I found it rather satisfying today to hear him talk about how wonderful they are. I really don't know just which direction he's coming from on the public labs, whether he supports the people who work in them or whether he's opposed to them. He comes from both sides. I can understand why, being a Liberal, he might do that kind of thing, but it's unfortunate that he couldn't be consistent.

In spite of that good news that I was hearing from him, how wonderful public labs and the directors of those labs are, what I really want to say is, scientists are scientists. Whether there's a profit at the bottom line or whether it's a public lab that they're responsible for, scientists are scientists and they do not bend, they do not change just because of the person they may or may not be reporting to. Most scientists have that kind of credibility and put it way above that kind of thing the member for St Catharines and many of the other members from the opposition were pointing their fingers at today.

1530

Having worked in a lab and recognizing this organism, I know that they report it often as a coliform, and there are tremendous numbers and varieties of coliforms, well over 600, some serotypes, and only a very few that cause the devastating effects that this organism that they isolated, the 0157 variety, can cause, so much kidney damage. I remember some seven or eight, maybe nine years ago, just prior to Applefest in Brighton, a similar organism was isolated in apple juice that had caused kidney shutdown in a young child. That year it was terrible to try to sell any apple juice at Applefest. But the following year, of course, that was forgotten. In that case, as I understand, it was picked up from some apples off the ground.

This just points to the fact that you can have some coliform organisms that have no effect, and the large percentage of them have little effect, whereas in this case, this particular one is very devastating. Often it's looked

at as a sentinel organism, whereby you're checking to see if there's a fecal source and whether there may or may not be things like salmonella or campylobacter or some of the other well-known intestinal organisms that might be there and that you're not picking up. But in this case it was a devastating E coli, which was most unfortunate for the people in Walkerton, from what I understand and what I have seen in many of the reports.

There have been a lot of things written in the paper. There's one from Andrew Coyne that just recently was published in the Post that talks about the opportunity for the people who hate our government to try to take advantage of it. "If it is necessary to exploit the suffering of others, to use the dead as pawns, so be it." And on it goes. I think it's most unfortunate that the opposition would take this kind of opportunity.

I've had about 10 minutes, and that was what was recommended that I have, but I'm just wondering if maybe some of the following leadoff time could be split with the Minister of the Environment, if we could have unanimous consent that the Minister of the Environment could continue for another 10 or 15 minutes.

The Speaker: Unanimous consent? Agreed.

Hon Mr Newman: The tragic situation that is unfolding in Walkerton is indeed uncharted territory for all of us. I'm pleased to see how everyone has come together in support and sympathy for the people of Walkerton. It really is a case of tragedy bringing out the best in people. I'm especially amazed at the way the people hardest hit have held up under the intense glare of national and international attention. Though we've been hearing all manner of claims and counterclaims and allegations, Walkerton residents have shown a resilience and generosity of spirit that are very inspiring.

Last week I had the chance during two visits, including one with Premier Harris, to meet and speak with some of the people who have been sick. I was particularly touched when I met a father and son outside the town hall on Friday afternoon. The son was suffering after consuming some contaminated water. We talked about many things. We talked about his illness. We talked about hockey. You don't have to be a parent to be touched by these heart-rending events. But like so many of my colleagues, I am a parent, so the effect on children is what really drives home the seriousness of the situation for me.

The most unfortunate aspect of severe pollution problems, for example, smog, is that the people who suffer most are the most vulnerable members of society: the young, the elderly and people already coping with some form of illness. For their sake and indeed the sake of all Ontarians, I believe we must make positive changes to ensure that this kind of situation never arises again. I believe that something positive can come from the situation, but only if we act with determination.

I would like to outline for my colleagues in the Legislature some of the proposed actions I outlined this morning with respect to the strengthening of the safeguards for Ontario's drinking water supplies. I will follow the

discussion of new measures with some thoughts on this government's commitment to protecting Ontario's environment and water quality. We believe that a healthy, well-protected environment is a cornerstone of a prosperous Ontario and an Ontario that is a great place in which to live, work and do business.

Everyone will be aware that I announced these measures this morning in a press conference, where I was joined by my deputy minister, Stien Lal, who provided an overview of the Ministry of the Environment's role. As I stated this morning, there are three investigations underway or soon to be underway: First, there is one by the Ontario Provincial Police; second, another by the coroner, who has called for an inquest into the deaths of five people that are believed to be linked to the E coli outbreak; and the third one is by my ministry, which will focus on the events that led to the contamination of the municipal water system.

These three investigations are necessary to start getting answers and information out to the people of Walkerton and out to the people of Ontario. You don't have to live in or near the affected areas to feel the need to know exactly what happened, and why. These investigations will be looking into very complex issues, and the Ministry of the Environment will provide whatever assistance we can to help out. As I said this morning, we are acting in a spirit of unprejudiced openness to shed light on the role that was played by the Ministry of the Environment.

In a few moments my parliamentary assistant, Toby Barrett, will clear up some of the issues surrounding the suggestion that the Ministry of the Environment knew about Walkerton's contamination problems for six months and has not taken action. This is not true, as you will hear from my parliamentary assistant.

I have instructed my ministry staff to begin work on a regulation that includes four key mandatory changes.

First, all laboratories or water treatment plant testing facilities which perform tests on drinking water must be accredited by an agency. This accreditation will include certification for all tests to be performed to fulfill the requirements of the Ontario Drinking Water Objectives. As it's now worded, municipalities are strongly encouraged to use accredited labs. I want to say, as the Minister of the Environment for this province, that this is simply not good enough for the people of Ontario.

Second, municipalities must inform the Ministry of the Environment of any change in private laboratory facilities testing their water. This will allow my ministry to follow up and ensure that the new lab is fully aware of, and able to fulfill, its role and obligations.

Third, the Ministry of the Environment will review every certificate of approval currently in place for all water facilities in Ontario. In the new regulation, all water treatment facilities must have their certificates reviewed at least once every three years.

Fourth, regarding the issue of notification, I want to underline that the current procedures in place do—I stress “do”—require any testing labs to notify the Minis-

try of the Environment and the local medical officer of health, as well as the municipality, of test results. However, we recognize that built-in redundancies or fail-safes on the notification procedures may have resulted in some confusion about reporting obligations. We do not want there to be any question about notification requirements. These requirements must be absolutely clear. If any laboratory gets a test result indicating unsafe drinking water quality, the Ministry of the Environment and the medical officer of health must be informed, as must be the municipal water facility operator.

I have directed my staff to consolidate and strengthen the requirements I have outlined by codifying them in the new regulation. This will make it absolutely crystal clear that all three agencies must be informed, and in a timely way.

With three investigations, more facts will come to light, and this will mean, in turn, that further steps will be taken depending on the nature of the findings.

1540

The staff at the Ministry of the Environment have a major task ahead of them in shaping the regulations I have requested. From my experience as minister, and especially in the past few days, I can tell you that my staff are all ready to roll up their collective sleeves to get to work. They share my belief, and the belief that I know is shared by all members in this Legislature, that Walkerton must not be repeated, not in Walkerton and not anywhere else in our great province.

There are a number of issues that require serious consideration by the ministry. For example, we still need to determine the exact format, including the penalties that will be associated with non-compliance. Even with many details remaining to be worked out, we can spell things out immediately. This is only fair to everyone concerned and it's in the best interests of public safety.

Of course, we do not want to do anything that will jeopardize the integrity of the three investigations that are under way or are soon to be under way. But we are doing our best to make abundantly clear the responsibilities that laboratories and the owner-operators of facilities have to inform authorities of potentially unsafe water supplies.

I'm very proud to be part of a government that is very serious about protecting water quality and ensuring the highest quality of life possible for its residents. We have assisted Ontarians in many municipalities through our \$200-million provincial water protection fund, which is helping in situations where problems are being experienced as a result of problems with water and sewage infrastructure.

With respect to water quality in the Great Lakes and the connecting channels, we have invested \$300 million to clean up areas of concern in our portions of the system. Through the Great Lakes Renewal Foundation, the province is stimulating new partnerships that are investing millions of dollars to continue the vital work of cleaning up, conserving and protecting the Great Lakes and our other water resources.

The foundation was established with an initial provincial contribution of \$5 million in seed money. This investment has generated eight times that amount in the form of in-kind and financial support from other sources. Certainly we know that improvements to our water quality can be made. Consider the findings of the third report of progress under the Canada-Ontario agreement respecting the Great Lakes ecosystem, released in September 1999. This report states that the Great Lakes are cleaner than they have been in 50 years. Among the highlights: Ontario's municipal-industrial strategy for abatement regulations limiting discharges from nine industrial sectors, which have resulted in a reduction of at least 70% of toxic pollutants being discharged into Ontario's waterways.

The pulp and paper regulation has resulted in an 82% reduction in discharges of chlorinated toxic substances into the Great Lakes, as well as the elimination of discharges of dioxin and furan to water from this sector. Significant reductions have also been made in discharges of polycyclic aromatic hydrocarbons, cyanide, zinc, lead and chromium. Ontario has cleaned up 12 contaminated sites within its jurisdiction in the Great Lakes basin. Cleanups at an additional 50 sites are being funded by private groups or responsible parties. Of these cleanups, 31 are completed. The collection and treatment of contaminated groundwater continues at eight sites and work on a further 13 sites is scheduled to be finished in 2000.

The amount of chemicals entering the lakes continues to decline. Significant reductions have been achieved for dioxins, furans, mercury and several other toxic contaminants. One of the best indicators of improved water quality is the fact that beaches are remaining open for longer periods in Toronto, Hamilton and other lakefront communities. This is the result of government programs to separate formerly combined storm sanitary sewers and/or to put holding tanks in place to deal with excess runoff.

Returning to our topic, drinking water, a report released in February 2000, called *Drinking Water in Ontario*, shows that Ontario's drinking water is better than, or as good as, that found anywhere in the world according to ministry testing between 1993 and 1997. The jurisdictions with which Ontario was compared include Australia, Great Britain, Japan, South Africa and the United States. The ministry's drinking water surveillance program results indicate that 99.98% of water samples analyzed meet health-related Ontario drinking water objectives. These are the standards established to protect public health, produce aesthetically pleasing water and ensure proper operation of water treatment facilities.

The measures I have announced today will improve Ontario's ability to protect water quality. We've come a long way in this province in providing safe and abundant water supplies, but the events of recent days in Walkerton have shown us in dramatic fashion that there is still a lot of room for improvement.

Walkerton is a situation that pains each and every one of us in this House. I know that everyone from all parties shares in my feelings about what has happened. There is nothing we can do to undo what has happened, but we can move forward and try to effect some positive changes. By acting together, and by acting quickly with resolve, we can at least improve the safety of our water supplies and contribute to the health and well-being of Ontario residents.

The rest of the time—I would ask for unanimous consent—will be shared with my parliamentary assistant, the member for Haldimand-Norfolk-Brant, and the member for Durham.

Mr Toby Barrett (Haldimand-Norfolk-Brant): As noted by Minister Newman, my time will also be shared with MPP O'Toole.

I, as all MPPs in the House, am very saddened by this tragic event and I share the concerns of local residents and their families. Our thoughts are with them, with lost friends and family. For those who are still sick I pray for a speedy recovery. On behalf of the Legislature, I wish to offer my sincerest thanks to medical practitioners who are taking care of the sick, to the municipalities and industries who have offered assistance to Walkerton, for example, by providing potable water.

Premier Harris, MPP Newman and the Honourable Elizabeth Witmer have met personally with residents of this community to deal directly with the events over the past week.

On the May 24, Ministry of the Environment staff met with the local PUC, their consultant and town council, to review operating procedures, to develop an action plan to confirm the source of the problem and to return the town's water supply to its previous safe state. As part of the action plan, we have turned over the operation of the municipal system to the Ontario Clean Water Agency, also known as OCWA.

Again, I understand the anger of people in Ontario. Five people have died and hundreds of people are sick, and we're committed to finding out as quickly as possible exactly what led to this tragedy. I'm sure that all members of the Legislature continue to be concerned about the health of the residents of Walkerton and are relieved that the number of new cases is now starting to decline. However, it's vital that the Ministry of the Environment continue to monitor and act on the situation, along with town and the Ministry of Health.

On May 25, the ministry issued an order requiring immediate implementation of the action plan to review the municipality's operating procedures, to develop a plan to confirm the source of the problem and to return the town's water supply to its previous safe state.

As you know, the ministry is also currently conducting an investigation on the cause of the E coli contamination. One question which has come up several times is whether the ministry had any warning of these health-related problems with the town of Walkerton, now known as the township of Brockton. As you know, the incidents leading up to the tragic events in Walkerton are the

subject of an investigation. My ability to comment on them is severely limited because I have no intention of compromising that investigation. I can, however, clarify what the ministry knew and what actions it has taken.

1550

Earlier this year, analysis of samples from this water system were conducted by GAP EnviroMicrobial laboratory. The ministry's Owen Sound office did receive faxed test results from GAP once in January and again in April of the year 2000. These test results indicated the probable presence of coliform bacteria in the Walkerton water system. However, no *E coli* was reported.

Total coliforms are bacteria which are common inhabitants of the intestines of warm-blooded animals. They're prevalent in soil and surface water. Not all coliform bacteria produce disease in humans, but their presence in treated water is taken as a warning of potential problems. The Owen Sound office followed up by telephone with the Walkerton Public Utilities Commission on April 10, 2000. The PUC said that following the irregular results, corrective measures were being taken, as prescribed in the Ontario Drinking Water Objectives, 1994. These measures included increasing chlorination of the water supply system and further sampling. On May 3, 2000, the Walkerton PUC submitted to the Owen Sound office a copy of a GAP lab report which indicated that the follow-up testing showed an absence of any coliform bacteria or *E coli*. The ministry received no further lab results.

It has been noted that the ministry was aware of problems with the Walkerton water treatment system in 1998. The question is, would these tragic events have been avoided if the Ministry of the Environment had taken action in 1998? The ministry compliance inspection report on the Walkerton water treatment system, completed in 1998, confirmed a history of adverse sample results in two of the four wells in service at that time, as well as failure to maintain adequate chlorine residuals in the system, and that the bacteriological monitoring program did not meet the ministry's monitoring sampling requirements. The ministry did take action on this 1998 problem. The ministry followed up with the municipality, which confirmed that appropriate action had been taken to address the problems noted in the ministry's compliance inspection report.

We must understand that the municipality is and always has been fully responsible for ensuring that drinking water is safe. The Ontario Drinking Water Objectives prescribe standards of quality for all drinking water supplies. In addition, the ministry has established a comprehensive sampling program for all waterworks in the province in order to ensure that the people of Ontario have a reliable supply of safe drinking water. To be fair, we must recognize that municipalities take the responsibility for providing safe drinking water seriously. Our drinking water surveillance program has shown that overall Ontario's municipalities ensure their drinking water quality is among the highest in the world.

It has also been asked whether this situation would have been avoided if the laboratories of the Ministry of the Environment and the Ministry of Health were still conducting the analysis of water samples. I can't see how it would make a difference. Whether the lab is a ministry facility or a private facility, it's obligated to notify the owner-operator of the water system, the Ministry of the Environment and the medical officer of health in the event of any exceedance of health-related Ontario drinking water objectives. At that point, the owner-operator is obligated to begin immediately collection of special samples to confirm if there is a problem and/or take corrective action. Corrective action includes immediately increasing the disinfection dose and flushing the mains. This action should continue until sampling confirms the Ontario drinking water objectives are no longer being exceeded.

Notification of proper authorities is a key question in the Walkerton tragedy. Both the owner-operator of the drinking water system and the laboratory are obligated to notify the ministry and the medical officer of health in the event of any exceeding of health-related Ontario Drinking Water Objectives. The Ontario Drinking Water Objectives require that the laboratory immediately notify the ministry if the sample results indicate unsafe water quality. The ministry, in turn, then must immediately notify the medical officer of health and the operating authority to initiate collection of special samples and/or, as required, take corrective action.

This was spelled out on May 14, 1995, when the ministry sent a letter to waterworks owners advising that the owner is responsible for notifying the ministry as soon as possible of the occurrence of any analysis which indicates unsafe drinking water quality. Later, in January 1997, the ministry released a guidance document for sample collection and the use of commercial presence-absence tests for the bacteriological analysis of drinking water. The document recommends that laboratories should, with the permission of the owner, report results indicating the persistence of coliforms or the presence of *E coli* to both the ministry and the local medical officer of health regardless of the Ontario Drinking Water Objectives.

Another ministry guidance document for selecting an environmental analytical lab strongly recommends that the contract between the owner and the laboratory include a clause requiring the laboratory to immediately inform the local medical officer of health, the ministry and the owner of when health-related parameters are being exceeded. In the case of Walkerton, we know the PUC changed labs on May 1, 2000, and at this time we do not know if such a notification clause was included in the contract between the Walkerton PUC and its new laboratory. The Ministry of the Environment does intend to change procedures to avoid similar tragedies in the future and strengthen requirements to protect our drinking water quality to ensure a similar tragedy does not occur in the future.

Today, even in advance of the results of the investigations, the ministry is proposing four important and mandatory changes, and these were alluded to by Minister of the Environment Newman:

(1) The notice requirements must be absolutely and unequivocally clear. If any laboratory finds a test indicates unsafe drinking water quality, it must immediately inform the ministry, as well as informing the PUC or the facility owner and the medical officer of health. All three offices must be informed in a timely way.

(2) All laboratories which perform tests on drinking water must be accredited by an agency, such as the Canadian Association for Environmental Analytical Laboratories. This accreditation will include certification of all tests which they perform if they're following the requirements of the Ontario Drinking Water Objectives. To date, such labs have been strongly encouraged to be accredited. Now there will be no option.

(3) Municipalities must inform the ministry if they change the private laboratory facility that is testing their water.

(4) The ministry is going to review every certificate of approval currently in place for water facilities in Ontario. In the future, the certificates will be reviewed at least once every three years.

There's no question that local officials and private labs are really quite well equipped to safeguard community drinking water. Local officials are trained and licensed to operate drinking water systems. The ministry tests and licenses operators of water treatment facilities in Ontario, and the ministry also requires facilities that need a certificate of approval to have licensed operators. Accredited private labs are certainly equipped to perform the tests required to safeguard provincial drinking water quality. Private labs are accredited by the Canadian Association for Environmental Analytical Laboratories and the Standards Council of Canada and are certified for appropriate analytical tests such as the microbiological test to detect E coli.

I600

There has been some confusion over the number of water samples required for municipalities like Walkerton. The Ontario Drinking Water Objectives distribution system sampling requirements: A population of up to 100,000 people is required to take eight samples, plus one sample per 1,000 people. In the case of Walkerton, this is 13 samples per month, with at least one sample per week. In addition, if there are any indicators of unsafe water quality, the ministry can order additional special samples taken to determine the exact extent of the contamination in the distribution system.

The government has been asked why it closed all Ministry of the Environment water testing labs in 1996. Well, the ministry did not close all its water testing labs in 1996. It maintains a complete capability for water testing at its laboratory services branch facility in Toronto. What it did close were three regional laboratories that were providing routine water testing for municipalities. That was done because both the capability

and the capacity to accurately perform the tests existed in the private sector. Municipalities were provided support to either contract with an accredited lab or develop their own.

The provincial government has been accused of downloading responsibility for testing drinking water to municipalities in 1996. The provincial government did no such thing. The responsibility for testing drinking water systems resides with the facility owner, and owners have always collected the water samples and submitted them to the lab. The owners were paying the Ministry of the Environment laboratories for water quality testing as early as 1993. The testing services provided by the ministry were mainly for routine water quality analysis that could be provided by accredited private laboratories. The ministry decided to stop doing the analysis of water samples for the municipalities because there was adequate private sector lab capability and the capacity to do this testing. The Ontario government did not want to compete with the private sector on a fee-for-service basis.

Similarly, the government did not download responsibility for building and maintaining water and sewer plants on to municipalities in 1997. Municipalities are, and always have been, responsible for delivering water and sewage services to their communities, and we've heard this more than once today in the legislature. The transfer of title of some water and sewer services to municipalities under the Municipal Water and Sewage Transfer Act does not alter this responsibility. As a matter of fact, Walkerton already owned and operated its water treatment and distribution system in 1997, when the act was passed. The majority of water and sewer systems in Ontario were already owned by municipalities at that time.

There is a straightforward system of accountability for drinking water quality in Ontario. The municipality is ultimately responsible for ensuring that drinking water is safe. The Ontario Drinking Water Objectives describe standards of quality for all drinking water supplies. In addition, the ministry has established a comprehensive sampling program for all waterworks in the province in order to ensure the people of Ontario have a reliable supply of safe drinking water.

In carrying out its responsibilities under section 52 of the Ontario Water Resources Act, the ministry applies the Ontario Drinking Water Objectives in approving any waterworks that supply water for domestic purposes and serve more than five private residences. The ministry tests and licenses operators of water treatment facilities in Ontario and requires facilities that need a certificate of approval to also have licensed operators. The Ministry of the Environment conducts proactive inspections of waterworks to ensure operators have proper procedures and practices in place to ensure safe drinking water quality in accordance with the Ontario Drinking Water Objectives.

In conclusion, let's recap the actions the ministry took when it learned there was a potential problem in the Walkerton facility.

The Bruce-Grey-Owen Sound Health Unit first learned of a possible E coli contamination event in Walkerton on May 19. This occurred when it was alerted by the South Bruce Grey Health Centre staff that two cases of bloody diarrhea had been reported. On May 21, the medical officer of health did contact the ministry's Owen Sound district supervisor, but did not identify a water problem or request assistance. On May 22, the medical officer of health requested assistance from the ministry. An emergency response person responded and arrived on the scene within two hours of the request for this assistance. The Ministry of the Environment officer took bacteriological samples and assisted the medical officer of health as required.

The ministry has continued to take water samples and monitor the situation. Ministry staff met with municipal officials and its consultant to formalize an action plan to restore a safe water supply. On May 25, the ministry issued an order requiring that the action plan be implemented immediately to review the municipality's operating procedures, to develop a plan to confirm the source of the problem and to return the town's water supply to its previous safe state. The ministry is also conducting an investigation of the cause of the E coli contamination.

At the request of the Premier, the Ontario Clean Water Agency has taken over the operation of the Walkerton water treatment facility for a six-month period. OCWA has advised that they intend to hire a hydrological consulting firm to assess the wells and the groundwater supply to the system.

As parliamentary assistant, I join Environment Minister Dan Newman in assuring you that the ministry continues to do its job and resolve the issues that resulted in the tragic events at Walkerton.

As I indicated, I will be sharing my time with another MPP, Speaker.

Mr John O'Toole (Durham): With the consent of the House, I would agree to share my time with the member for Bruce-Grey, who would conclude.

The Speaker: Agreed? Agreed.

Mr O'Toole: I would start to bring a human face to the story and say that each MPP has a duty to be informed when issues arise which affect the safety of their constituents. I have been in touch with my riding, the region of Durham, and the public health and public works departments. Durham region has six water supply plants, including five facilities which draw water from Lake Ontario: in Ajax-Whitby, Oshawa, Bowmanville and Newcastle. Another is located on Lake Simcoe in Beaverton. There are also several communities here which receive their water from municipal wells, including Cannington, Sunderland, Uxbridge, Port Perry, Green Bank, Orono and Blackstock. From what I've heard, I believe that Mr Tony Wong, manager of the environmental health division of Durham region's health department, along with the works department, are responsible for local water supply and its water quality. Mr Wong says:

"'We are quite confident that our water supply system is very safe' 'There's no such thing as never,' Mr Wong admits of the possibility that Durham's water could become contaminated with E coli bacteria. But, he adds, 'It's highly unlikely. We have a very extensive monitoring and testing program in Durham.'"

1610

The reality is that it's the aspect of human responsibility that comes into the issue and the equation, but what makes our situation somewhat different than what's happening in Walkerton is, indeed, the human story. We have a very small community where almost everyone has been touched, touched with tragedy in a close-knit community, which is the human story. It's not subordinated to big-city anonymity. We have the real plight of real people, from children to frail elderly, who have indeed lost their lives.

Respectfully, what the Minister of the Environment, Mr Newman, has said today is for me a reassurance that he has taken positive and immediate steps to contain the fears that many people in Ontario might have. I can only say in defence in our riding that the MPPs I know have found the information to be reassuring, that their residents' safety is at the highest level of order for the day.

The debate today is in respect for the community of Walkerton and those individuals whose lives have been touched. I can assure you that the greatest sympathy goes with the thoughts in my mind of real people and the issues before us.

With that, I'll pass my remaining time to the member for Bruce-Grey.

Mr Bill Murdoch (Bruce-Grey): I thank some of the other speakers who have allowed me to have some time to debate this afternoon.

The people of Walkerton had faith in our system and something happened. We don't know what it is, but we will find out somehow. Every day we drink all kinds of water in this House, and I don't think any of us ever thought that something like this might happen. It is one of the worst catastrophes we've had in Canada. When you think things are safe and you don't even think about it and this happens, it makes it that much worse. They were living their normal lives, and all of a sudden this happened. Now we have people who have died over this. It's one of the worst catastrophes.

The people of Ontario have also rallied. I talked to the mayor, and he tells me there isn't a mayor from one city who hasn't phoned him and asked him if he wants some help. I've had ministers in our party, and the Minister of Agriculture right here, phone me personally to offer their help. I appreciate the opposition parties. Both parties have been up there to offer their help, and I appreciate the fact that you're here today to debate this, to try to find out what happened.

We don't know what happened. There have been all kinds of fingers pointed in all different directions, but we really don't know. It's a system we all believed in and it failed us; it failed the people of Walkerton. Basically, it failed the people of Ontario because we're concerned.

We have water here today, and I'll take a drink of it, and I don't expect anything to happen. But the people of Walkerton did the same thing, and something did happen and we all feel badly about that. I certainly do. I have a lot of friends and I've met a lot of people in Walkerton. It was new to my riding this time, and to have a tragedy like this happen I think is hard for you people to understand.

It's hard to go down to Walkerton. Just what can you do? You feel helpless. There's anger, there's frustration: "Why did this happen?" They feel that way. They don't know who to be angry at but they are angry. Again, people like myself, and all the different municipal councils and people from all over Ontario who phoned to offer help, what can they do? This is the helplessness that you have. It's not like a tornado, it's not like a wind-storm, rain or a flood where you can go and see the devastation. You can't see that. It's not there. There are people in our hospitals.

Before I finish, I want to congratulate our hospitals. Our hospitals have done a wonderful job. Walkerton people have just worked so hard in that hospital. But the hospitals surrounding it have also thrown in their help and were there when we needed them. That system worked and it was there to help them. But somewhere else in this system it failed.

A motion like this will certainly go a long way to find out the problems, but, as you know, there are three investigations on right now. Hopefully, they can come up with some answers. There have to be some answers, and I think that's what most people in Walkerton want. They look at you and say, "Why did this happen?" Even our medical officers at this point don't really know how this could get into our system without being detected. How did this happen?

Every day you get up and use water so much. I live on a farm; I know. I have a dug well that goes down about 350 feet into the ground, yet there are times when the pump won't work. Something happens. I know how it is to be without water. Boy, that can be pretty bad when you don't have water—and now, when you can't trust it.

It's going to take a long time to get over this. It's going to take the people of Ontario a long time to trust our water system. But we will do that. That's our job here as a Parliament, in all three parties, to work towards a solution. We can't use this to divide ourselves; we must work together and try to find a solution for the people of Walkerton and for the people of Ontario.

Mr Dalton McGuinty (Leader of the Opposition): Let me say at the outset that I sincerely wish this were not the kind of motion we are debating in this House. I sincerely wish that the events which have unfolded and tragically struck the people living in the community of Walkerton had never taken place.

I want to take the opportunity at the outset, on behalf of my caucus and my party, to extend my sympathies to the people of Walkerton and my sincerest condolences to those families who have lost loved ones. Unfortunately, there are still people who are very sick as a result of this

outbreak. I think their expectations of us today are very, very high. They are looking to us now to leave no stone unturned, to do everything that we reasonably can to ensure that a tragedy of this type never ever strikes any other community in our province.

I've learned that this is the second-largest outbreak of E coli infection that has ever been recorded. One thousand people were affected by this water contamination. Five people so far have lost their lives, 12 people are in critical condition, and I understand that one individual in particular is at death's door. I know I speak for all members when I say that our hearts are with that person and her family.

But now our responsibility here is very, very great. Given the severity of this epidemic, given how serious a matter this is, not only for people living in that community but for Ontarians living throughout the province who have had their confidence in their water shaken, it seems to me that we have no time whatsoever to lose. We must do whatever we can to get to the bottom of this. Political sensibilities now must take second place. Damage control must take second place. Our first and foremost responsibility in reacting to this crisis, to this epidemic, is to put in place an independent public inquiry which can act in a way to consider this matter as it affects people throughout Ontario, to make sure it has a broad enough scope to take into account everything that this government has done and, if necessary, what past governments have done, to ensure we have in place the fundamental safeguards that obviously were not there in this case.

It seems to me if you were to reduce our role down to its very essence, surely it would be to ensure that we protect the people of Ontario from harm befalling them. Surely one of the things that we have a responsibility to do in this Legislature is to ensure that when people go to their taps, from the time they get up in the morning until they go to bed at night, when they go for a drink of water or they bathe the kids in the bathtub, they are entitled to expect that their water will not in anyway cause them and their families harm. That was not the case in this particular community.

Now what we must do—we simply have no choice in this matter and we can't afford to waste another day. What should be happening here as I speak is that the three House leaders should be getting together and agreeing to terms for a full independent and public inquiry. That should be happening right now. That public inquiry should begin its work effective immediately, with full powers to subpoena documents, to subpoena witnesses and find out exactly what went wrong and what we should be doing throughout the province of Ontario.

Sure, we now know, in the most painful way possible, what happened when something went wrong in a particular community, the community of Walkerton. But what else is happening throughout this province as we speak? This government has effectively severed links with small water treatment operators, who are out there on their own operating primitive facilities, in many cases, and they simply don't have the level of sophistication,

they don't have the backup that they should be able to count on from this government. This government has abdicated its responsibility to provide a continuing supervisory role—this is the minimum, I would think—so that anybody today who is out there operating one of these water treatment facilities knows that they can count on the government for backup. That didn't happen in this case, and it should have happened. The government should have been there.

1620

I had the opportunity to speak to, coincidentally a former member of this House, Larry South, who worked as an inspector for the Ministry of the Environment and its predecessors dating back to 1953. He worked from the 1950s through to the 1980s. His responsibility was to achieve three inspections for each water treatment facility every year. Today, do you know what our objective is? One inspection every three years. This government must now assume the responsibility of a responsible government when it comes to ensuring that Ontarians have access to safe and clean drinking water. They have to get in the game. You can't just turn it over to the locals and say, "It's now up to you, have access to a private lab." There was no legal reporting requirement for those private labs until, apparently, this morning. We're now going to put something in place, but there was no legally binding reporting requirement that a private lab, upon receipt of a positive test result showing that the water was unsafe, communicate that information to the health officials or to the Ministry of the Environment. That is nothing less than shameful.

We've also got labs out there performing these tests which are not accredited; they haven't been certified to perform these kinds of tests. That is nothing less than shameful. The government has in many ways achieved some successes in branding red tape as something that is inherently evil. All red tape apparently is all bad. Do you know what? I happen to believe that some red tape, so to speak, happens to be a damned good thing. Some red tape shields our people from very real dangers, like unsafe drinking water, water that can kill them. So in their reckless haste to eliminate red tape, my advice to the government is to slow down and carefully consider the implications. There are people—the entire province, in fact, is relying on somebody out there somewhere—because we're all busy leading these hectic just-in-time lives. Somebody out there, surely to God, is making sure when I turn on the tap in the morning, until I turn it on again at night, that the stuff that is pouring out is not deadly, it's not going to kill me. This government now has a responsibility to get to the bottom of this in a responsible way. The only way we can do that is through an independent public inquiry.

To that end, I have an amendment to the motion put forward earlier this afternoon by the minister, Mr Newman. It reads as follows:

That Mr Newman's motion be amended by deleting that portion of the motion beginning with "That the standing committee on general government," and ending

with "that at 5:50 pm this afternoon the speaker will put all questions necessary to decide on the emergency debate motion," and substituting the following:

"That the government, under the Public Inquiries Act, appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

"To examine legislation and regulations governing the provision of, standards for and testing of drinking water in the province;

"To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

"To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province;

"That the three House leaders are consulted and must approve the government's appointee(s) to the commission, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports; and

"That this motion be considered fully by the Legislature and be called again during orders of the day later this week."

I also want to indicate that I'll be splitting my time with the members for St Catharines, Windsor-Walkerville, Hamilton East, Renfrew-Nipissing-Pembroke and Eglinton-Lawrence.

The Acting Speaker (Mr Michael A. Brown): Mr McGuinty has moved that Mr Newman's motion be amended by deleting that portion beginning with "That the standing committee on general government...." and ending with "That at 5:50 pm this afternoon the Speaker will put all questions necessary to decide on the emergency debate motion," and substituting the following:

"That the government, under the Public Inquiries Act, appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

"To examine legislation and regulations governing the provision of, standards for and testing of drinking water in the province;

"To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

"To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province;

"That the three House leaders are consulted and must approve the government's appointee(s) to the commission, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports; and

"That this motion be considered fully by the Legislature and be called again during orders of the day later this week."

1630

Mr James J. Bradley (St Catharines): I'm not delighted that I'm speaking this afternoon on this particular motion because I find it most unfortunate that these circumstances are confronting Ontario. All of us know that our hearts go out to the people of Walkerton, who have many ill individuals there, virtually hundreds of people who have been afflicted with E coli poisoning. We've had a number of people now—the last count I saw was five; it may be more—who have died as a result of this and many people who may face lifelong, debilitating medical conditions as a result of the poisoning of the water in Walkerton, Ontario.

This is not an isolated incident. When you increase the risk tremendously, when you play chicken with the safety of water in the province, one day the chickens will come home to roost. What we've seen through a consistent damaging of the Ministry of the Environment, through huge cuts in the budget and through huge cuts in the number of staff, is a ministry which is only a skeleton of its former self, and this is tragic for Ontario.

It's unfortunate that attention has come to this issue mostly because of the fact that we have people who have died in the town in Walkerton, that we have so many people who are ill, because many have warned about this over the past half-dozen years, about the potential for this kind of incident to happen right here in Ontario.

We have some important questions to be asked, particularly with ministerial responsibility of a variety of ministers. I might note that in this government we're back to the old Conservative days of ministers being involved in a merry-go-round. They're there for a short period of time. In one case, we had an individual serving as both Minister of Municipal Affairs and Minister of the Environment. That's significant because the environment ministry has been reduced substantially in its importance within the government. It is said by people who are well connected to the Kremlin, as we like to affectionately call it, the bunker, the Premier's office, that they refer to environment as the "E-word" among the Premier's staff. That's the kind of regard in which environment is held with this government.

If you want to talk about cutting taxes, they are the big-time tax cutters, no question about it. But there comes a point in time in the public debate when one has to decide what role government plays. I believe that the people of this province, given the choice of massive tax cuts to the corporate sector, of substantial tax cuts to the wealthiest people in this province, of a \$200 gimmick, of sending people a \$200 cheque as part of this budget—given the choice of that money being invested in environmental protection, in the protection of our drinking water in this province, or given away in tax cuts, the people in this province would choose to have our government resume its former role of protecting the drinking water in our province.

I have heard them say, as is always the case when an incident like this arises, that if anyone in the opposition dares to be critical, then that person is playing politics. Well, I saw a case of playing politics the other day on television. It was the Premier of the province trying to put the blame on the NDP for what has happened. The only thing that has changed from when the NDP was in power was a charge-back to municipalities that wanted to use the services of the laboratories of the Ministry of the Environment. They abandoned that strategy quickly because they found out it wasn't selling.

But it fits in with their strategy of being first in line to accept the credit and last in line to accept the responsibility. Clearly overall, the responsibility for drinking water in this province lies with the Ministry of the Environment and the government of Ontario. In order to do its job appropriately, the Ministry of the Environment requires adequate staff and adequate funding, the resources to carry out its responsibilities to protect the people of this province, and that has been virtually abandoned under the Harris government. Even those who will give the present administration credit in some areas where they believe that the administration has done the right thing, many of those individuals are critical of what they see as the total abandonment of the environment.

The Provincial Auditor—because we mentioned the fact that this is an issue which has been brought to our attention before—brought it to our attention previously, and the Environmental Commissioner brought it to our attention in her report, both in 1996. They've been quoted widely in the news media; they've been available. The penalty that Eva Ligeti, the former Environmental Commissioner, paid for being critical of the government in her reports was to be fired out the door, was to have her contract ended by the Harris government and a committee of the Legislature, dominated by Conservatives, voting in favour of the president of the Progressive Conservative Association in Nipissing—that is, North Bay—Mr Gordon Miller, who was also a Progressive Conservative candidate on two occasions.

This is to be an officer of the House. This is not the government appointing one of their own to implement policy. This is a watchdog. That's another clear indication that this government does not intend to brook any criticism from people in independent positions. We've seen a similar lack of co-operation with the Information and Privacy Commissioner when she investigated the government of Ontario giving the names, addresses, telephone numbers and bank account balances to polling firms and to a bank in this province.

We have environmental groups and the official opposition and the third party who have consistently in this House and in other venues given fair warning of the consequences of cutting the environmental budget to the bone. I can recall, when I had the privilege of being environment minister of this province, that there were substantial increases in the budget and substantial increases in staff. On many occasions I've heard members oppose, at the instigation of Guy Giorno or whoever writes

the notes for members who speak in the House, blame the opposition or blame the Liberal Party for spending too much money. I'll say something to the people of this province today: If you want to accuse me of being part of a government that spent hundreds of millions of dollars to protect the environment and the drinking water in this province and added hundreds of staff to protect the environment, then I plead guilty to that accusation and I'm proud of it. I think that is the role of government. There are many areas where government shouldn't be involved. One definite area where government should be involved is the protection of the environment. There's a mantra on the other side, almost a religion on the other side, that government is evil, that all government expenditures are to be criticized.

Interjection.

Mr Bradley: If the member for Peterborough wants to defend one third of the staff of the Ministry of the Environment cut and over 40% of the budget and you've got five dead people in Walkerton, then you stand up and defend it. That's exactly what's happening in this province. I can tell you that when you take away from the Minister of the Environment the resources he needs to do his job—

The Acting Speaker: Refer to the Speaker, please.

Mr Bradley: I cannot believe that you would defend that, because the Minister of the Environment needs those resources to do the job. That's why he's going to have a difficult time implementing what has been suggested at a press conference today, because he needs the staff to do that. That's why you don't have the drinking water plan, the regimen that is there to report on drinking water in this province, why it doesn't come out every year now. They don't have the staff to do it. You're asking the Minister of the Environment to do a job and you're tying his hands behind his back. That is unfair and that's a decision which is made at the top, not by an individual Minister of the Environment, who would want those kinds of resources to do that job.

We've had not only cuts to the Ministry of the Environment, but to the Ministry of Natural Resources. Fully 50% of the staff is gone. Our conservation authorities, which protected many of our waterways in so many ways, and the Ministry of Natural Resources, which had the same role of protecting our natural waterways, have had half of the staff fired out the door and millions upon millions of dollars taken away from them while we've got lots of money for the corporations, all kinds of money to cut corporate taxes, while the richest people in this province get a huge tax cut and while the government engages in a public relations exercise of mailing \$200 cheques to people at a cost. If you asked the people of Ontario, "Would you like to get that \$200 cheque from the government"—something they learned from an American governor—"or would you rather have it invested in protecting your drinking water?" I say almost unanimously they would want that money applied to protecting the drinking water in this province.

1640

We've had specific cuts in the division that deals with water protection in this province as enunciated in the House earlier today: 52% in one division, 42% in another division, 25% in another division, 33% in another division, all dealing with water quality in this province, cut from the Ministry of the Environment. That's simply not acceptable. We've had a weakening of environmental regulations.

Do you know something that was very, very ironic? Almost at the time the situation in Walkerton was unfolding, a story in the press came out that talked about the fact that they are re-establishing the Red Tape Commission, with Frank Sheehan and Bob Wood as the chairs of that commission. I don't think either one could be accused of being a raving environmentalist in this province, whatever other virtues they might have. But what you have to know is that a senior Progressive Conservative MPP who headed the Ontario Red Tape Commission urged the Ministry of the Environment to drop its prosecution of a company that violated a provincial landfill regulation. In other words, while the government is in the process of weakening the regulation, the Red Tape Commission is saying to the Ministry of the Environment: "You may as well drop these charges, because we're going to weaken the regulation. We're going to remove the regulation. We're going to take it away."

How many regulations, of the hundreds of regulations that have been removed in this province, affect the Ministry of the Environment? Enough, I'm going to tell you, to keep one promise that a lot of people made behind the scenes: "We'll get the Ministry of the Environment out of your face." Well, the Ministry of the Environment is out of a lot of people's faces, unfortunately, in this province. It has to be strengthened; it has to be restored to what it was at one time.

You've downloaded responsibilities to municipalities in terms of more municipalities now having to assume water and sewer, and they're going to have to turn it over to privatization. I don't think privatization will be a good option for the people in this province.

You've closed down the provincial labs. Let me tell you the importance of those provincial laboratories to the province of Ontario. In Walkerton, it seems to me that if you had sent those samples to a Ministry of the Environment laboratory and they had read those results, E coli of such a virulent strain, the first thing they would have done was to phone the medical officer of health and say, "Shut down this operation, and cut off the water," because those people are accountable to this Legislature, to a minister directly and to the people of this province indirectly. That's what would have happened if that lab was in place to do that, and it wasn't there to do that.

I suspect that when there were some difficulties earlier this year and even back in 1998, when the regional office tried to take some action—the regional office is stretched to the limit now and cannot undertake the kinds of

activities it once could when it had the staff, when it had the financial resources.

I believe that as you come up with this resolution today, this motion, there will be those who will say that it's politically clever, and indeed you do a lot of things that are politically clever. But if the people of this province believe that political cleverness should win out over principle and dedicated public services, then I think this province is in for a great deal of danger. I call upon this government to have a full, independent public inquiry of this situation and to restore the kind of funding and resources that the Ministry of the Environment requires.

Mr Dwight Duncan (Windsor-St Clair): I want to begin by amending our amendment, Mr Speaker. I know it has been discussed with you. There was a mistake made in one line, and I just want to make sure that I place the correct amendment:

That Mr Newman's motion be amended by deleting that portion of the motion beginning with "That the standing committee on general government" and ending with "Ontario's water supply," and substituting the following:

"That the government, under the Public Inquiries Act, appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

"To examine legislation and regulations governing the provision of, standards for and testing of drinking water in the province;

"To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

"To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province;

"That the three House leaders are consulted and must approve the government's appointee(s) to the commission, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports."

The Acting Speaker: Mr Duncan has moved that Mr Newman's motion be amended by deleting the portion of the motion beginning with "That the standing committee on general government" and ending with—

Mr Duncan: Dispense.

The Acting Speaker: Dispense? No. And ending with "That at 5:50 pm this afternoon the Speaker will put all questions necessary to decide on the emergency debate motion on Ontario's water supply" and substituting the following:

"That the government of Ontario, under the Public Inquiries Act, appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

"To examine legislation and regulations governing the provisions of, standards for and testing of drinking water in the province;

"To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

"To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province;

"That the three House leaders are consulted and must approve the government's appointee(s) to the commission, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports."

Mr Duncan: Let me begin my remarks by expressing my regrets and condolences to the people of Walkerton about this terrible tragedy. I know the people of my community of Windsor share those regrets with what happened.

In the short time I have available to me, I want to address several issues; first, what we know at this point in time. I want to take a moment to address the government's motion, and then I want to take a moment to address the motion that my leader, Dalton McGuinty, has put on the floor of this House, in order that we can understand what is going on.

First of all, the two and three quarter hours we're debating this issue on the floor of the House tonight, in the view of the official opposition, is simply inadequate. I think it really shows where this government is at in terms of what it wants to do in response to this terrible tragedy.

What do we know? We know, first of all, that the Ministry of the Environment's budget has been cut by 40% since this government took office some five years ago; moreover, we know that 42% of the staff who were dedicated to water and drinking water were laid off as part of these cuts—this in spite of the promise of the Premier, then leader of the third party, Mike Harris, that his government would not make cuts to the Ministry of the Environment.

We also know that Bill 107 was passed in May 1997, and what did that do? It downloaded the responsibility for water and sewer plants on to municipalities, that is, it gave it to municipalities without giving them the resources or what they needed to continue to ensure that our water supply was protected as it had been up until those times. All Ministry of the Environment labs were closed in 1996. Some of the most advanced laboratories in the world—closed, privatized—and the proper procedures were not put into place at that time. This government was warned at that time about the potential for problems. It was warned by the official opposition. It was warned by environmental groups. As recently as two weeks ago, questions about the safety of Ontario's drinking water were put eloquently in a report prepared by a leading environmental group.

Finally, we also know today that in the last week, 1,000 people have fallen ill. We know that five people have died. We know that 12 remain in critical condition. Today the government brings forward a motion. Let's be clear what that motion does. In its main operative clause, the motion effectively precludes hearings from beginning until after the police investigation, until after everything else has happened, in short—a gag.

Mr Bradley: All legal suits.

Mr Duncan: All legal suits. It could be a long, long time. It's a stonewall; it's a gag; it's an attempt by this government to avert being held accountable and responsible for what happened in Walkerton. Make no mistake: It was this government, that Minister of the Environment, that Premier who are responsible for this debacle and the terrible tragedy that has befallen the people of Walkerton. You will be held to account. You'll be held to account by the courts; you'll be held to account by this Legislature through other matters.

1650

We have placed a motion that simply will allow a full public inquiry under our own act to go ahead. The terms of reference of that motion make it abundantly clear that it can go forward without prejudicing any criminal matters, without prejudicing any civil matters or without prejudicing the charter rights that are guaranteed and afforded to anybody involved in this. It can happen and it ought to happen, and it ought to happen right away.

The people of Ontario are only beginning now to see the consequences of the Common Sense Revolution. Sadly, five people have paid with their lives because of this government's inept handling of the deficit, because of this government's penchant for tax cuts over public safety, because of this government's lack of willingness to listen to the critics at the time, to listen to the people who advised you and said, "You're moving too fast."

This motion today that the government has put—we challenge them to vote for our amendment. If you really want a public inquiry—we've given you the terms of reference, the statute, in a manner that protects everyone's interests but allows it to go forward—then you'll vote for our amendment. If you don't, it's just a stonewall; it's just a gag. I suspect no matter how hard they try, they're not going to be able to bury the facts of this. They are not going to be able to escape accountability. They are not going to be able to escape the bottom line reality that it was this government's policy, this government's legislation, this government's ideology that has led directly to the tragedy that has unfolded in Walkerton in the last week.

Mr Dominic Agostino (Hamilton East): Certainly, this is not a pleasant day for this Legislature or for this province. I want to extend, on behalf of the people of my riding of Hamilton East, my condolences to the families, to the friends, to the loved ones of five Ontarians who have died, to the thousand or so who are ill and particularly the ones who are critically ill.

What happened in Walkerton is a tragedy, and it is a tragedy that was preventable. These people who have

died were simply carrying out one of the most basic necessities of life, that is, the use of water, whether it was drinking or whether it was bathing. As a result of a let-down by the people who they believed were responsible for ensuring their safety and well-being, five Ontarians have lost their lives, and there may be more, unfortunately, as this tragedy continues to unfold.

I was astonished last week when I saw the Premier of Ontario go into town and instead of telling people what he knew and how he was going to fix it, he started pointing fingers. As people were still dying around him, as the community was in panic, the Premier decided that it was time to blame a previous government for what had happened in Walkerton.

What we see today, instead of trying to get to the truth of what has happened, instead of getting to the bottom of what has happened, is really a public relations ploy in a motion that doesn't allow a proper hearing into this, that does not allow proper investigation of the facts, that simply will delay any real information on what happened and how we can prevent this from coming forward for as long as two or three years. If there is a criminal investigation, if there are criminal charges, it may even be delayed beyond disposing of those charges. That could be years and years, and the people of Walkerton and the people of Ontario will not know what went wrong and will not know how to prevent this again.

This government has failed to take responsibility, through a lack of leadership, in protecting our environment and protecting our water. At the end of the day, you get elected to govern. When you form a government, when you're a member of a cabinet, you're the Premier of Ontario, there is an essential responsibility that comes with that job. Once your decisions contribute to a problem—and your policy decisions over the last five years contribute to what has happened in Walkerton—you've got to stand up and take that responsibility.

Let me tell you what some of the residents have said.

Dieter Weber, whose 89-year-old mother is ill with bacterial infections, says the Ontario government shoulders much of the responsibility. This gentleman said: "In a small town like this, the officials work with limited resources. The people who are now being blamed, I know them as basically honest people. They're good people, but this could happen in any town." Weber said the tragedy could have been averted if the Conservative government hadn't cut money from the environmental and health ministries and privatized the four laboratories responsible for water testing. This is a resident of that town; this is not an opposition politician.

Clearly, what we have seen occur here could have been prevented. We warned this government. I remember the environment critic, my colleague from St Catharines, and others warned this government, as you were privatizing these services, what would happen. We warned this government, as you were shifting responsibility to the municipalities, what would happen. We warned this government, as you went on this massive cut to the Ministry of the Environment in your first couple of years

where you've cut one third of the staff, where you've cut 40% of the budget, that this would start to happen and that tragedies would occur across Ontario. We were laughed at by the government at that time. We were told we were just raising hysteria. We were told we were just fearmongering at that time. Who was fearmongering, who was raising hysteria? What we were raising were concerns that we have seen now come to light. We have seen a tragedy of immense proportions to this town, to this province and, I would suggest, to this country.

What is even more of a tragedy is how this government is choosing to handle this and deal with it. We asked today for a public inquiry. We were ignored. What we have is a resolution that does nothing but stall, delay, whitewash. It is simply this government's efforts to put this issue on the back burner. I think we owe more than that to the people of Walkerton, we owe more than that to the individuals who lost their lives, and we owe more than that to their families. I would hope the government today, for the first time on this issue, does the responsible thing and supports the amendments we have put forward to allow the people across this province to peek in and get a clear look as to what went wrong and how quickly we can fix it: not six months from now, not a year from now, not three years from now, but today.

Mr Mike Colle (Eglinton-Lawrence): I'd just like to again add my expression of concern on behalf of a lot of the people in the city of Toronto. I know the mayor of Toronto has sent tankers of water and bottled water to Walkerton. There is sometimes little we can do, but at least an offer to help has gone out from a lot of cities. Our hearts go out to everybody in Walkerton, because they certainly in no way deserve this or should have to go through this tragic situation here.

In many ways, I guess, this is a wakeup call for all of us in Ontario, no matter whether we live in a big city or a small city. Perhaps we have taken the protection and safety of our water for granted. I think in that, maybe we all share that loss of innocence as far as our water. We assume that because we live in North America, in a modern province like Ontario, everything is taken care of. But we know that if we don't take care of things, these tragedies can occur. Maybe the only good that can come out of this tragedy is that we ensure this never happens again.

We're not going to be able to ensure this never happens again unless we take proactive steps to defend not only small towns, the Walkertons of Ontario, but all of Ontario. You can't do this with this government's motion, which is a blatant attempt at political damage control. It doesn't want, and I think it's afraid, to open the doors for the public to look into the Ministry of the Environment, because the Ministry of the Environment is missing in action. They are not a ministry that is functional, that is doing its job. They are trying with their limited resources, but they cannot. How can they achieve any kind of protective results with a 40% cut in their budget? One third of their staffers have been laid off or fired. Maybe the ministry can prove—and I would cer-

tainly find that very hard to believe, but I'd be willing to listen—that those cuts had nothing to do with some of these problems. I'd like to see them prove that.

1700

Right now, though, they're telling me, and at the press conference this morning they were telling the people of Ontario, that they want to investigate themselves. That is not acceptable, because they are one of the parties that should be investigated. They should not be in any way, shape or form evaluating their performance. That is what we've been told they were going to do. That is not acceptable. We need an independent party or parties, a retired judge, to come in here and look into the operations of this ministry to see whether they've had the resources and have done their job as they're supposed to.

Obviously we've got a lot of conflicting bits of information that at first blush show a complexity of incompetence, basically, a miscommunication, a lack of even going to a site to ensure that the chlorination and the water purification were working properly. They assumed someone else was doing the job. You can't protect people's health by assuming someone else is doing it. At first blush it looks as if there's miscommunication, there isn't proper inspection, there's not proper certification, so I think there's more than enough evidence to indicate that the Ministry of the Environment should not be investigating themselves. For the minister and the Premier to tell the people of Ontario that that's the way they're going to come to the bottom of this is an insult to our intelligence. We need an independent authority to investigate that ministry because so far that ministry has shown that it is suffering from those massive cuts.

I've been involved in the Oak Ridges moraine, and that is about water. It's the rain barrel of Ontario. The Ministry of the Environment is missing in action there. They never speak out on the issue. They never show any interest in protecting the aquifers up there. So where are they in protecting our water supply? I do not trust that they have the resources or the direction from the Premier's office to do that.

The budget cuts speak louder than words in terms of where this government's priorities are with this ministry, and this ministry is a facade of its former self. Just look through the cuts, year after year. No one on that side has been standing up to say, "We need this ministry to protect certain public health interests." They haven't done that, so the cuts have been coming fast and furious. That is why we want a clean investigation, to see what is going on in that ministry.

We have, supposedly, two other investigations, and that's fine. We've got the police investigation, but it's a closed-door, confidential investigation. A lot of governmental information will not come out. We also have the inquest, but the inquest doesn't blame anyone; the inquest is limited. They're not going to come in and investigate the ministry and see who's been doing or not doing their job. We need someone to go into that building up on St Clair and Avenue Road and go to all the offices and find out what they've been doing, why they weren't

doing their job and, if it wasn't the ministry, who wasn't doing their jobs. At least we have all the information in a very comprehensive fashion before the people of Ontario so the people of Ontario can rest assured that there is a system that protects them.

The people of Ontario don't have the time or the expertise to protect themselves in these instances. They can't do it. They're unable to do it. That's why they pay their taxes. They assume government is doing that. In this case, they assumed wrong. Obviously one level of governance was not working, and I think you have to start to lay the blame at the top, because it shows that you just can't download recklessly on to small or large municipalities. You can't do it and expect everything to function as usual. You can't cut year after year.

It's not working, and we have to find out why it's not working. The only way to do it is for this government to stop taking the politically expedient route in trying to sweep this under the rug. I hope the people of Ontario don't accept that attempt to sweep it under the rug. Everybody in this province should be calling for an independent inquiry to get to the bottom of this and clean out that ministry and put in safeguards that are as strong as possible, and not listen to the special interests who don't want to protect the environment for their own personal profit.

Let's do the right thing. We need a complete, independent inquiry immediately.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to conclude the remarks this afternoon on this motion on behalf of my Liberal colleagues. I certainly agree with all my predecessors, most especially Dalton McGuinty, who addressed us just a while ago.

I want to agree with everyone who has spoken this afternoon by offering my condolences to the families who have lost loved ones and to those other families that are coping with family members who are, at the present time, ill. I spoke to a woman from Walkerton this afternoon who is in her eighth day of monitoring her health condition. She thinks she is getting close to the green light but she's not sure. She figures she's got another couple of days left.

So yes, we do the right thing in offering our sympathy, our support. As a Legislature, we have more to do.

Can you imagine, I say to my colleagues, if one of the deceased or one of the very seriously ill was your daughter, your mother, your spouse? Can you imagine the rage that would be overtaking you? Maybe it's just me. I would be apoplectic—I am apoplectic, and I don't have relatives involved in this. When I look at what I am asked to believe about something as basic as the safety and security of water, what do I see? I know there's more information, but if I listened to the minister and the deputy this morning, if I had read the weekend press, I would be incredulous. For weeks and months, I now have been told, there was toxic crap in the water of that community. Responsible people at the municipal and provincial levels knew and they did not very much about

it. Oh, they did something, but they clearly did not do enough to save my family member—my two-year-old daughter who is now dead, my 79-year-old mother who is now dead, my 45-year-old sister who is nearly dead, and hundreds of other people who, as Dalton McGuinty and others have said, have been sickened beyond belief. That's the reality.

What would I want? I'll tell you something: I would want and I would expect to get to the bottom of this, and getting to the bottom of this is clearly not a matter of leaving it to people who may very well be, and clearly appear to be, defendants in the action. I mean, it is just absurd to imagine that the town of Walkerton or the Ontario Ministry of the Environment should be materially directing any of these inquiries when we know—the reasonable person has to know—that they are almost certainly going to be defendants in the action.

If we believe anything of what we say routinely in this place about responsibility and accountability, and I have to believe honourable members on both sides of this aisle believe the rhetoric that spews from our mouths on a daily basis, we will say to those dead people in Bruce county, "On our solemn watch we will give you, as a minimum tribute, a full and impartial inquiry so that your loved ones and your neighbours will know the circumstances that led to your tragic and untimely death." Anything less than that is an insult to their memory and is a slap in the face to their relatives. That is the very least we can do. I know there is more information to be discovered. I'm quite prepared to admit that there may be some unbelievable testimony advanced. If what I'm already asked to believe is to be believed, it is sickeningly incredible. I want the facts.

1710

I was up in this place 10 days ago on the POSO matter, and apparently we're going to vote tonight on my motion. What do we know there? This is the Province of Ontario Savings Office matter. What we know in that case is this: For whatever reason, the Ontario government broke the law and released, quite inappropriately, sensitive and confidential financial information of 50,000 Ontario depositors to that bank. We know that. We've been told that by the independent, impartial arbiter, Dr Cavoukian, at the privacy and information office. We know that. But now we know more than that. We know that when she tried to find out how it happened, she has been frustrated and obstructed by the very people who broke the law. Apparently, later tonight or tomorrow, this Legislature is going to vote down a motion to give those 50,000 people a much better understanding of why their rights were impugned and why the law was broken in that way.

Do you expect me, as someone who has seen that in just the last fortnight from this government, to accept the kind of inquiry that is being offered up by the government in this motion, standing in the name of the Minister of the Environment? I just can't believe that we individually or collectively have such a low estimate of our own integrity that we would seriously offer that to anyone. I

don't have any great confidence that my leader's amendment is going to be accepted. I expect that it will be voted down this afternoon. What am I left with? I'm going to tell you something. I have not a jot nor tittle of interest in the kind of motion and inquiry that's being offered up by the government in this motion.

I have to tell you, sadly, as a member of this Legislature of some long standing, and I say "sadly" to the people of Bruce county, I'm afraid in the end you're only going to be left with two inquiries that you can count on. The first will be the coroner's inquest which, as my colleague from Eglinton-Lawrence observed a moment ago, is obviously limited in scope. But I expect that to be an inquiry of some integrity and independence. Obviously the police investigation I expect will be as well. But sad to say, I think beyond that you're probably going to have to depend on independent legal action, because the kind of parliamentary offering you're getting today is an insult to you, and you should not, nor should we here, accept it, because it is a transparent nullity. I can tell you, I would not spend one moment of my time on such an inquiry. We owe those people who have died and those people who are still sick answers.

My colleagues have said—Mr Bradley knows far better than I—that there have been many things occurring, and not all of them very happy, at the Ministry of the Environment. I was saying at a caucus meeting earlier today, "Colleagues, as far as I can tell, from my constituency experience in eastern Ontario, the Ministry of the Environment is now rather like one of those Hollywood façades." There is just that: a façade with nothing behind it. It is a chimera. It is a fiction to actually believe that there's anyone there minding the store. You know, you can just talk to people at the ministry and they'll tell you that, in the field.

Those chickens are coming home to roost. Absolutely, there will be responsibilities that attach to the local government. You bet. Those will have to be detailed, and for those there must be some accountability and responsibility. But how many times have I heard Mr Clement and others like him say, "You know, the municipalities are children of this Legislature, and you're not going to be able to put a question on a municipal referendum without our approval"? Well, as Mr Bradley has said and others have agreed, water policy at its core is a provincial responsibility. Clearly, we have failed in that responsibility. How precisely it has come to pass is for an inquiry to determine. But we have failed, make no mistake.

It's not that many years ago, I say to the now Minister of Energy, the former Minister of Health, that thoughtful people in this province were saying to the Harris government, "You download responsibility for public health and water testing and land ambulances to rural and smaller municipalities at your peril." They were right. Let me make this sad and sorrowful prediction. What we've seen with water in rural Ontario we will see with land ambulances within the next five years. There is more tragedy just around the corner on that account, because we are downloading responsibilities, in the health area

particularly, that properly attach to the provincial government.

Let me just conclude by saying I've spent some of the day reading Henrik Ibsen's famous play *An Enemy of the People*. Some 120 years ago that marvellous playwright captured the moral conundrum that we face here today beautifully. If you haven't read this play, read it. I say to the Premier of Ontario, Michael D. Harris, my neighbour from North Bay, the next few hours and the next few days will make plain for me and the people of north Bruce whether or not the current Premier of Ontario is a friend or an enemy of the people.

Mr Howard Hampton (Kenora-Rainy River): Let me say at the outset that I want to share my time with the member for Broadview-Greenwood. We will hopefully share it in equal parts.

Let me also say at the outset that I was in Walkerton earlier today. I got to speak with a number of residents of Walkerton and the area. I suspect many of them are watching this discussion here tonight. I want to extend to them my condolences and the condolences of all the members of the NDP caucus. I also want to say to them that they need to listen very carefully and watch very carefully what this government is up to. This government has put forward a motion today which they say indicates that the government wants to get to the bottom of this. I want people at home to know that there are three parts of this motion which will ensure that there will be no getting to the bottom of it. In fact, what will result from this motion is the government's continuing to delay doing anything.

First of all, the government wants to put in place a legislative committee, dominated by Conservative members, to go out there and essentially examine what Conservative members have already done to the Ministry of the Environment. In other words, the very government that is responsible for cutting the Ministry of the Environment, for laying off the inspectors, the scientists and the enforcement officers is now going to pretend that it somehow has the political will, the moral conviction, to say that they were wrong and to do something about it. We've seen no indication of that here, no indication of that in anything this government has done. That's the first problem with their motion.

The second problem with their motion is that the standing committee on general government, which will supposedly do the hearings, will only be sitting when the House is not in session. I've watched this government. When they consider a matter urgent, they don't wait until the House is not in session for the particular committee to sit; the committee sits right away. Just by indicating that the committee will only sit when the House is not in session, it's a pretty clear indication that what the government is really up to here is an attempt to delay and to put this off.

Then you read further in the motion and it says, "That the committee commence its review by considering, as they become available, the results and any recommendations that emerge from the Ontario Provincial Police

investigation, the pending coroner's inquest, and the investigation by the Ministry of the Environment," that is, this legislative committee won't even get started until these other things are completed. That is another strategy for delay. This is not a strategy for getting out there and inquiring what happened; this is a strategy to put it off, to delay, to in effect put all of this on the back burner.

Then, in the next-to-last paragraph, is the part that really takes the cake. The government, in its motion, says, "That if legal proceedings arise from these investigations, the committee suspend its review of any specific issues that are the subject of those proceedings."

1720

Note that it doesn't specify criminal proceedings; it says any "legal proceedings." If someone out there starts a civil lawsuit at some point, and the civil lawsuit can cover everything from A to Z, forwards and backwards on this issue, the committee would have to suspend its proceedings. Again, this is not a strategy to get to the bottom of the issue, to find out what went wrong, why it went wrong, what can be done about it; this is nothing more than a strategy to put all of these issues on the back burner, so that if they ever see the light of day, it will be three or four years from now.

What a cynical ploy. What a cynical strategy. What a cynical, awful, ugly way to respond to a situation where people have died and other people are critically ill, to in effect put together a strategy which will amount to nothing more than a strategy for delay and a strategy for cover-up. That is why I'm going to put forward, and I'm putting forward now, an amendment to this government's motion. I want to state it clearly and get it on the record now.

I move that the motion be amended by deleting everything following the words "to that end" and substituting the following:

"That an independent inquiry under the Public Inquiries Act be called immediately, headed by a commissioner appointed by agreement of all recognized parties in the Legislature, to investigate all matters related to contaminated water supplies in Ontario, including the impact of government cutbacks and policy decisions and the expansion of intensive farming to ensure that all Ontarians can have confidence in the safety of their drinking water."

That is the amendment of the motion I want placed. I want to provide a copy of this to you, Speaker, and to the Clerk's officers.

The Acting Speaker: So I'm clear, this is an amendment to the amendment?

Mr Hampton: Yes.

The Acting Speaker: We seem to have at least a small technical difficulty in that the amendment you are offering needs to be to Mr McGuinty's amendment, and the wording does not follow that way, so I'll rule that out of order. You can perhaps find a way to remedy that.

Mr Hampton: I would just propose that we make an amendment to the main motion.

The Acting Speaker: That would be out of order.

Mr Hampton: Let me speak to why this kind of amendment is necessary, and I'll get back to how we're going to place it in a minute.

It's very clear that there have been substantial cut-backs at the Ministry of the Environment. Over \$100 million of the Ministry of the Environment budget has been taken, and 900 scientists, technicians and experts have been shown the door. It's very clear, for example, that the ministry is not able to conduct the kinds of investigations and prosecutions that it used to undertake.

When this government took office, \$2.6 million in fines were basically being collected every year from those who were convicted of infractions against the environment. This government's record is now such that barely \$900,000 in convictions and fines are resulting from the activities of inspectors and enforcement officers at the Ministry of the Environment, this while an independent, outside analysis suggests that this province now has the second-worst environmental record in all of North America after the state of Texas. While the independent advice from outside Ontario says that the province's environmental record is the second worst in North America, this government's capacity to do anything out there to protect the environment, to enforce the rules and regulations, and finally to prosecute has been greatly diminished over the last five years.

Just look, for example, at the issue of water inspection. I think many people in Ontario today would be greatly shocked to learn that this government, since taking office, has cut the MOE's staff assigned to water and drinking water quality by 42%. In 1995 there were 113 inspectors and staff devoted to water and drinking water quality. It's now down to 48. In 1995 there were 28 staff devoted to groundwater and hydrology. It's now down to 15, a 53% reduction in terms of the staff out there who are available to do this work.

It's not as if this government hasn't had warnings. This government has had warning after warning after warning. First the Environmental Commissioner, not once but on several occasions, in her annual report of 1995, which was issued in early 1996, and again in 1996 and 1997, said to this government: "You have serious problems out there with groundwater. You need a comprehensive groundwater strategy." What did the government do? Ignored it. The Environmental Commissioner came forward and pointed out that the budget wasn't there to adequately do the job that the Ministry of the Environment is supposed to do, and because technicians, scientists, inspectors and enforcement officers have been laid off, it was not capable of doing that job any further. She warned the government of that. What did the government do? Nothing.

Then the Provincial Auditor stepped forward and said to this government: "You've got a serious problem. This ministry is no longer able to do the work that it is, by law, required to do." What was the government's response? They cut more.

There is clearly a connection between this government's cutting of the Ministry of the Environment, this

government's cutting of the budget, cutting of the staff, this government's privatization of the water labs, 400,000 tests that used to be done by the four labs in the province, one in Thunder Bay, one in London, one in Toronto, and one in Kingston, all closed by this government—there's a very clear linkage between this government's cuts in that area and the inability of the province now to guarantee the safety and security of the water supply.

As you read Eva Ligeti's report from 1995 and 1996, it's very clear that this kind of disaster could have happened in a number of municipalities across this province. The fact that it happened in Walkerton is simply an indication of how unfortunate people in Walkerton are and how fortunate people in other municipalities are that it didn't happen there. The scale of the cutbacks, the scale of the inability of the Ministry of the Environment to now do the job that it was intended to do and that citizens of the province have a reasonable right to expect that they should do—the scale of all that is evident.

What kind of inquiry do we need? If we're going to get to the bottom of this, the very people who have been responsible for crippling the Ministry of the Environment, the very people who have fired the scientists, the inspectors and the technicians, the very people who have come forward and said that most of our environmental controls are nothing but red tape and should be eliminated can't now be in charge of conducting these kinds of hearings and this kind of investigation. That won't do.

When you see, as I say, the motion that they've put forward today, a motion which is intended to delay, a motion which is intended to move these issues off the front burner and back into the recesses, a motion which is intended to ensure that most of this information doesn't see the light of day, it is just further evidence that this can't be the process by which we deal with the issues that have been raised in Walkerton and are inevitably going to be raised elsewhere in the province. That's why we need an independent commission of inquiry. That's why the commission of inquiry should not be held up by when the Legislature sits and when the Legislature doesn't sit, should not be held up by when the coroner's report comes in, when an OPP investigation comes in or when the Ministry of the Environment does its own work, work which I already have a lot of doubt about. That's why an independent commissioner should be able to make his or her decision about whether or not a court proceeding somewhere goes to the root of the issues that need to be investigated and not have that decision made by the very people who are responsible in large part for the disaster that's happened; that is, the members of the government.

1730

If this government really wants to take some concrete steps to address in a hurry what has happened at Walkerton and provide some assurance to other people across the province, then I've got a list of things they need to do.

First, they need to release the most recent water quality test results for all municipal drinking water systems. It's shocking that in the aftermath of Walkerton

this government still hasn't released the most recent water quality results for other municipalities across the province so that other municipalities will have some understanding of where they are. This government should immediately tell the public which water treatment plants have outstanding orders against them from the Ministry of the Environment. It hasn't done that. One would think, in the aftermath of the Walkerton tragedy, that they would be front and centre doing this.

This government should release the most recent audit reports on the status of all Ontario water treatment plants. If those audits have not been done, they must be done immediately. The government hasn't done that.

The government must reopen the four provincial labs and put Ontario back in the water quality testing business, increase the minimum number of tests required and, if necessary, make financial support available to the municipalities. One would think that if the government were really serious about what has happened here and wanted to make sure that this didn't happen again, they'd be taking steps in this direction as well—no indication.

Revoke the decision to end the water protection fund, which is the money for water and sewer capital projects, now scheduled to end this fiscal year. One would think the government would have come forward to say, "We recognize, given what happened at Walkerton, that the water protection fund should not end at the end of this fiscal year but should continue into the future to ensure this doesn't happen again." There's nothing from the government.

Bring forward the comprehensive groundwater strategy that the former Environmental Commissioner Eva Ligeti began calling for in 1996. No indication the government is moving there.

These are all concrete steps that could be taken. These are all concrete steps that should be taken in the aftermath of what has happened at Walkerton. Do we receive any indication of that from the government? None.

We had the Minister of the Environment stand earlier today and make a statement. I want to indicate to the people just how shallow that statement was. He said he will pass new regulations requiring private labs to report test results about unsafe drinking water to the medical officer of health, the municipality and the Ministry of the Environment.

When this government came to power, there was an accreditation process in place for private labs that required those private labs to do just that. This government did away with it. This government did away with the basic protection that was there. It now admits that it was wrong and it's going to bring it back. I have to say to the government, if you're going to do this, you've got to put back some of the staff, some of the scientists, the technicians and the inspectors, to ensure that whatever your accreditation process is, it is in fact lived up to. There's no indication from the government that they're prepared to do that.

Then the minister says he will require that municipalities inform the ministry if they change labs. It's not a

bad idea, because what happened at Walkerton is there was a change of private labs. One private lab was meeting all requirements and going above and beyond those requirements; the second lab that came in made information available to virtually no one. But if the government hadn't killed the accreditation process that was there in the first place, this would be the law in Ontario. This would be the direction in Ontario. Once again, the government doesn't admit that they themselves are responsible for this. They did away with the very accreditation process that was guaranteeing that this happened.

The minister says he will pass a regulation requiring all laboratories doing municipal work to be accredited. There was regulation requiring them to be accredited. This government did away with it. Then he says, "The ministry will review all the certificates of approval in the province for water treatment plants," and he will pass a regulation requiring all water treatment facilities to have their certificates reviewed every three years. If that's going to be done, this government had better realize that is a very labour-intensive activity. If you're going to do the inspections, make sure the certificates of approval are being lived up to and make sure they're being renewed every three years, this government will have to bring back some of the scientists, some of the inspectors and some of the technicians you so quickly escorted out the door in 1995 and 1996. But there is no indication from this government that they're prepared to do that.

What does this amount to then? What it amounts to is this: The government says they're going to pass new regulations, new legislation, but they've given no indication whatsoever that the people who are so badly needed to enforce those regulations and that legislative regime are going to be put in place. In other words, the government intends to pass regulation and legislation but then isn't going to do anything to ensure it's enforced.

That's exactly where we are now. There was no one at the Owen Sound MOE office to ensure that test results from the GAP laboratory were being followed up on, that the information was being made available to the medical officer of health and was being acted on. There was no one higher up the chain of command in the Ministry of the Environment to ensure that this was treated as a priority issue. Unbelievable.

There are a few things that people in this province should have a right to expect from their provincial government. One of them certainly has to be safe, clean drinking water, but this government, in its rush to take money out of the budget, in its rush to finance tax cuts for the well off, simply said: "Oh, this is a matter of red tape. It doesn't matter." If we look at what was presented here today, there is absolutely no indication that this government has learned a lesson, that this government is prepared to admit that it was wrong and is prepared to get back on the right track and do something about this. There's no indication of that whatsoever.

What we see from the minister this morning is an attempt at public relations damage control but not much

there for substance. What we see in the motion that was presented this afternoon is nothing more—and I say it again—nothing more than a strategy to delay, delay, delay and try to keep this issue out of the public eye. I used the word "Ipserwash." It's very similar. Whenever someone brings up the issue of Ipserwash, this government says: "Oh, there's a legal proceeding. We can't say anything about this. We can't do anything about it." Nothing at all can be brought to bear in terms of justice for the people who were the victims or justice for the families that were affected. What we see here is a strategy which intends to do just that, over again.

The government is going to hang its hat on it, and they're going to say, "Oh, but there's going to be an Ontario Provincial Police investigation." The Ontario Provincial Police will tell you that they are only concerned with breaches of the criminal law. That is a very narrow definition.

Then the government is going to say, "But there's going to be a coroner's inquest." But we know that the Solicitor General can limit the scope of a coroner's inquest. The Solicitor General can make the coroner's inquest very narrow in its review of what happened. Then we're told, "There's going to be a review by the Ministry of the Environment." That's the same Ministry of the Environment that has contributed so much to this happening.

1740

As I go through what the government is offering here—a very narrow criminal investigation by the OPP, the potential for a very narrow coroner's inquest and then for the Ministry of the Environment to investigate itself—I say again, people across the province and particularly people in Walkerton should not be hoodwinked, should not be taken in by what is happening here. This is not a strategy to get to the bottom of this matter. This is not a strategy for a full hearing, a full inquiry for all of the facts, all of the ramifications to be put on the table. This is a strategy to get to the very narrow issues, the criminal issues, and then to delay and to ensure that the broader inquiry which needs to take place never happens. That is why this is so awful. In the context where five people have already died and we're told that more may die, in the context where literally dozens of children are already ill and dozens more children are on a daily watch because they may become significantly ill, this government's response is another attempt to dodge and weave and ensure that the issues which ought to be part of the public debate never see the light of day.

As I have watched this unfold, as I listened to the Minister of the Environment's press conference this morning and saw that it was nothing but an attempt at public relations damage control, and then when I saw the motion here tonight, I can only say that the people of Walkerton are not going to get what they need out of this inquiry, and the people across Ontario who are very concerned about safe, clean drinking water are not going to get what they need and what they have a right to out of this process. This is very much a process designed to

ensure that this government which has cut the environment ministry, which has laid off the scientists, the technicians and the inspectors, this government which has said to small municipalities, "You're on your own"—this is nothing but a strategy for this government to avoid political responsibility, to avoid public responsibility for something which is at its core absolutely a provincial responsibility: the provision of clean, safe drinking water that the citizens of Ontario ought to be able to depend upon.

Speaker, I said that I wanted to move an amendment to the motion, and you ruled my initial amendment out of order. I now want to move an amendment to the motion, that it be amended by adding the words "to examine the impact of government cutbacks and policy decisions and the expansion of intensive farming" following the words "staffing considerations" in the third paragraph, and by adding the words "and to ensure that all Ontarians can have confidence in the safety of their drinking water" following the words "anywhere in this province" in the fourth paragraph.

I make this available to you, Speaker, and to the officers of the Clerk's table.

The Acting Speaker: Mr Hampton has moved that the amendment to the motion be amended by adding the words "to examine the impact of government cutbacks and policy decisions and the expansion of intensive farming" following the words "staffing considerations" in the third paragraph, and by adding the words "and to ensure that all Ontarians can have confidence in the safety of their drinking water" following the words "anywhere in this province" in the fourth paragraph.

Mr Hampton: Allow me to conclude just by pointing out the sorry chronology of this government on this whole front. In 1996 the Harris government cancelled the CURB program, Clean Up Rural Beaches, which worked with farmers to protect against agricultural runoff into the water supply, the very thing which is so germane to what we're talking about here. This government, once again, cancelled it.

I've pointed out again that in 1996 the Harris government stopped direct testing of the province's drinking water. It closed the four regional Ministry of the Environment testing labs that performed 400,000 drinking water quality tests annually. In the former Environmental Commissioner's 1996 annual report, she points out the municipalities were barely given eight weeks to find private labs to take the place of the public labs that were shut down.

Then we had the drastic budget cuts. The Ministry of the Environment's budget went from \$287 million in 1994-95 to \$165 million in this fiscal year. The staffing was cut from 2,500 scientists, inspectors and enforcement officers in 1994-95 to 1,500 this year. This is actually from a study which was done in the Canadian Public Policy Review. Then I pointed out the cuts that are specific to this area, cuts to examination of water and drinking water quality and cuts to groundwater and hydrology inspection staff.

Then there's the whole issue of the failure of this ministry now to do the prosecutions and the enforcement that used to be a matter of course. In 1994-95, average annual fines for the Ministry of the Environment were \$2.6 million; they're now down to \$955,000.

Then there is this government's pledge to cut environmental regulation by 50% as part of its so-called red tape exercise. That's what this government believes: that environmental regulation designed to protect the environment, designed to sustain and protect safe and secure water, is nothing but red tape that should be gotten rid of. A 1996 outbreak of cryptosporidia in Collingwood drinking water should have been a warning sign to this government.

Then we had the sorry state of the drinking water surveillance program. The Ministry of the Environment didn't test Walkerton water. The last published survey was 1997. Then we have the February 1999 Ministry of the Environment delivery strategy, which directs staff not to enforce dozens of environmental laws and regulations.

This is the record of this government on this environmental front. Now this government wants the people of Ontario to believe that the very Ministry of the Environment that has done this, that has been so negligent, is somehow now going to conduct a responsible investigation of what went wrong. It's not going to happen. It's not going to happen, and that is why we think it is absolutely essential that there be the independent inquiry, an independent inquiry that is not going to depend upon this government's Ministry of the Environment, is not going to be delayed by a narrow focus on criminal charges, is not going to be delayed by what we think will be a coroner's inquest which will be equally narrowly focused by this government.

I call on all members of the House, especially the Conservative members, don't make a terrible situation worse by following what is set out in your motion. Accept that we need to have an independent inquiry into what just happened here, an independent inquiry that is not delayed by all kinds of other processes. That is the only way we'll get to the bottom of this. That's the only way we can assure not only the people of Walkerton but people across the province that the right steps will be taken to protect our water supply, that drinking water quality will be sustained and that this can never happen again in the province of Ontario.

The Acting Speaker: Pursuant to the order of the House passed earlier today, I am now required to put the questions. Mr Newman has moved:

"This House expresses sincere regret and concern over the tragic events faced by the residents, families and friends of the citizens of Walkerton;

"That this House sends its condolences to those who have lost loved ones and its prayers for those who continue to struggle with the ravages of this tragedy;

"That, out of respect for the victims of this tragedy and as a sign that the entire province joins with the people of Walkerton in mourning, the staff of the

Legislative Assembly be directed to fly flags at half-mast for the remainder of the week;

"That this House pledge, as Premier Harris has, to do whatever it takes to get to the bottom of this tragedy, and, to that end,

"That the standing committee on general government be directed to review the circumstances leading to the tragedy in Walkerton, and to report its findings and recommendations back to this House;

"That for purposes of its review of this matter, the committee is authorized to travel from place to place in Ontario and to meet and receive evidence from witnesses when the House is not in session;

"That the committee commence its review by considering, as they become available, the results and any recommendations that emerge from the Ontario Provincial Police investigation, the pending coroner's inquest and the investigation of the Ministry of the Environment;

"That if legal proceedings arise from these investigations, the committee suspend its review of any specific issues that are the subject of those proceedings, but may continue to review and recommend government action to ensure the reliability and safety of Ontario's water supply."

Mr McGuinty has moved that Mr Newman's motion be amended by deleting the portion of the motion beginning with "That the standing committee on general government" and ending with "Ontario's water supply" and substituting the following:

"That the government, under the Public Inquiries Act, appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

"To examine legislation and regulations governing the provision of, standards for and testing of drinking water in the province;

"To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

"To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in the province;

"That the three House leaders are consulted and must approve the government's appointee(s) to the commission, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports."

Mr Hampton has moved that the amendment to the motion be amended by adding the words "to examine the impact of government cutbacks and policy decisions in the expansion of intensive farming" following the words "staffing considerations" in the third paragraph, and by adding the words "and to ensure that all Ontarians can have confidence in the safety of their drinking water" following the words "anywhere in this province" in the fourth paragraph.

Is it the pleasure of the House that Mr Hampton's amendment carry?

All in favour will say "aye."

All opposed with say "nay."

In my opinion, the nays have it.

Call in the members. It will be a five-minute bell.

The division bells rang from 1753 to 1759.

The Acting Speaker: All those in favour of Mr Hampton's amendment to the amendment to the motion will please rise one at a time.

Ayes

Agostino, Dominic	Curling, Alvin	Lankin, Frances
Bartolucci, Rick	Di Cocco, Caroline	Marchese, Rosario
Boyer, Claudette	Dombrowsky, Leona	Martel, Shelley
Bryant, Michael	Duncan, Dwight	McLeod, Lyn
Caplan, David	Gerretsen, John	Parsons, Ernie
Christopherson, David	Gravelle, Michael	Patten, Richard
Churley, Marilyn	Hampton, Howard	Peters, Steve
Cleary, John C.	Hoy, Pat	Ramsay, David
Colle, Mike	Kennedy, Gerard	Ruprecht, Tony
Conway, Sean G.	Kormos, Peter	Sergio, Mario
Cordiano, Joseph	Kwinter, Monte	Smitherman, George

The Acting Speaker: All those opposed will please rise one at a time.

Nays

Amott, Ted	Harris, Michael D.	O'Toole, John
Baird, John R.	Hastings, John	Ouellette, Jerry J.
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tilson, David
Elliott, Brenda	Molinari, Tina R.	Tsubouchi, David H.
Galt, Doug	Munro, Julia	Tumbull, David
Gilchrist, Steve	Murdoch, Bill	Wilson, Jim
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Hardeman, Ernie	Newman, Dan	Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 33; the nays are 48.

The Acting Speaker: I declare the motion lost.

We will now deal with Mr McGuinty's motion to amend Mr Newman's motion.

Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. It will be a five-minute bell.

The division bells rang from 1802 to 1807.

The Acting Speaker: Will members please take their seats.

All those in favour of the motion will please rise one at a time.

Ayes

Agostino, Dominic	Curling, Alvin	Lankin, Frances
Bartolucci, Rick	Di Cocco, Caroline	Marchese, Rosario

Boyer, Claudette	Dombrowsky, Leona	Martel, Shelley
Bryant, Michael	Duncan, Dwight	McLeod, Lyn
Caplan, David	Gerretsen, John	Parsons, Ernie
Christopherson, David	Gravelle, Michael	Patten, Richard
Churley, Marilyn	Hampton, Howard	Peters, Steve
Cleary, John C.	Hoy, Pat	Ramsay, David
Colle, Mike	Kennedy, Gerard	Ruprecht, Tony
Conway, Sean G.	Kormos, Peter	Sergio, Mario
Cordiano, Joseph	Kwinter, Monte	Smitherman, George

The Acting Speaker: All those opposed will please rise one at a time.

Nays

Arnott, Ted	Harris, Michael D.	O'Toole, John
Baird, John R.	Hastings, John	Ouellette, Jerry J.
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Mariand, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tilson, David
Elliott, Brenda	Molinari, Tina R.	Tsubouchi, David H.
Galt, Doug	Munro, Julia	Turnbull, David
Gilchrist, Steve	Murdoch, Bill	Wilson, Jim
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Hardeman, Ernie	Newman, Dan	Young, David

Clerk of the House: The ayes are 33; the nays are 48.

The Acting Speaker: I declare the motion lost.

We will now deal with Mr Newman's motion.

Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. It will be a five-minute bell.

The division bells rang from 1810 to 1815.

The Acting Speaker: Will members take their seats, please.

All those in favour of Mr Newman's motion will rise one at a time.

Ayes

Amott, Ted	Harris, Michael D.	O'Toole, John
Baird, John R.	Hastings, John	Ouellette, Jerry J.
Barrett, Toby	Hodgson, Chris	Runciman, Robert W.
Beaubien, Marcel	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tilson, David
Elliott, Brenda	Molinari, Tina R.	Tsubouchi, David H.
Galt, Doug	Munro, Julia	Turnbull, David
Gilchrist, Steve	Murdoch, Bill	Wilson, Jim
Gill, Raminder	Mushinski, Marilyn	Wood, Bob
Hardeman, Ernie	Newman, Dan	Young, David

The Acting Speaker: All those opposed will rise one at a time.

Nays

Agostino, Dominic	Curling, Alvin	Lankin, Frances
Bartolucci, Rick	Di Cocco, Caroline	Marchese, Rosario
Boyer, Claudette	Dombrowsky, Leona	Martel, Shelley
Bryant, Michael	Duncan, Dwight	McLeod, Lyn
Caplan, David	Gerretsen, John	Parsons, Ernie
Christopherson, David	Gravelle, Michael	Patten, Richard
Churley, Marilyn	Hampton, Howard	Peters, Steve
Cleary, John C.	Hoy, Pat	Ramsay, David
Colle, Mike	Kennedy, Gerard	Ruprecht, Tony
Conway, Sean G.	Kormos, Peter	Sergio, Mario
Cordiano, Joseph	Kwinter, Monte	Smitherman, George

Clerk of the House: The ayes are 48; the nays are 33.

The Acting Speaker: I declare the motion carried.

It now being past 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1818.

Evening meeting reported in volume B.

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Gilles Bisson, Sean G. Conway, Alvin Curling,
Gerard Kennedy, Frank Mazzilli, John R. O'Toole,
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Marilyn Churley, Brad Clark, Caroline Di Cocco,
Jean-Marc Lalonde, Jerry J. Ouellette, R. Gary Stewart, Joseph N.
Tascona, Wayne Wetlaufer
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Règlements et projets de loi privés**

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Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
Clerk / Greffière: Anne Stokes

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No. 62B

N° 62B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 29 May 2000

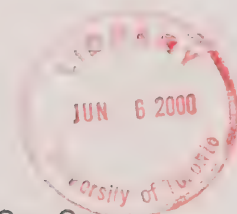
Lundi 29 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 29 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 29 mai 2000

The House met at 1845.

ORDERS OF THE DAY

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

Resuming the debate adjourned on May 18, 2000, on the motion by Mr Conway arising from the Speaker's ruling of May 18, 2000.

The Speaker (Hon Gary Carr): Further debate.

Mr Dwight Duncan (Windsor-St Clair): Thank you, Mr Speaker. I am pleased to join the debate this evening on your ruling, sir. Prior to the House adjourning for constituency week, you ruled that there was a prima facie case of contempt of the Legislature with regard to the Ministry of Finance's release of individuals' private banking information to a polling company and to a bank. Essentially, what that means is that the Speaker found that there is enough evidence to warrant further investigation.

My colleague the member from Renfrew, Mr Conway, responded to your ruling by putting a motion before the House that we refer this specific matter of the Province of Ontario Savings Office to a committee of the Legislature for further investigation. My colleague Mr Conway argued that the government obstructed the privacy commissioner's investigation of the POSO situation.

Indeed, I had an opportunity to read the commissioner's report. When you read this document and you see what she says about very senior officials in the Ministry of Finance, it becomes very clear that, in her view, her investigation was obstructed and that indeed the Speaker was correct to find a prima facie case and that, in my view and I know in the view of many of my constituents, the matter warrants further discussion.

I'd like to take a few moments to review what led to my colleague Mr Conway's point of privilege and ultimately to the Speaker's ruling that found that in fact there was a prima facie case. In January 2000, the *Globe and Mail* reported that, "The Ontario government committed a major breach of the privacy rights of ... thousands of Ontario bank depositors two years ago by handing over to a pollster"—and a bank—"the names, addresses, phone numbers and account balances of depositors of the Province of Ontario Savings Office."

Think about that for a moment. Some of the most private information individuals could have, and it wasn't one or two, but 50,000 citizens of this province. In April of this year, Privacy Commissioner Ann Cavoukian reported the government had indeed violated the Freedom of Information and Protection of Privacy Act and, it was her view, had obstructed her attempts to investigate the violation.

Think about that for a moment. The Speaker, very clearly in his ruling, thought a lot about it. An officer of the Legislature, an officer who reports to this House, to all the members of this House—government, opposition and third party—told us in unequivocal terms that her investigation had been obstructed, that a stone wall had been put up in front of her to try to prevent her from conducting her investigation.

That's very significant, and taken in the context of today's debate about the terrible tragedy at Walkerton, and taken in the context as well of the government's desire to effectively shut down any kind of public inquiry, we're beginning, I would argue, to see a pattern. Frankly, it was a pattern that started in the very earliest days of this government's tenure in office.

Let me tell you what I mean. First, we remember the debates around the omnibus bill, Bill 26, a massive piece of legislation that amended not only our entire health care system but the way we govern ourselves at the municipal level, and a whole variety of other changes. The government initially tried to force that through without any committee hearings. Indeed, it was only because of the tactics of my colleague Alvin Curling that we were able to force committee hearings on that particular piece of legislation. That's where it began.

Since then we've seen a raft of things, up to and including changes to the rules of this Legislature that effectively make it more difficult to debate the issues of the day, that take away the opposition's ability to influence the proceedings that go on here. Indeed, I have listened to some of my more experienced colleagues who have sat in this chamber far longer than I. I have heard them lament the change in this place in the last number of years, due first to the NDP government's changes to the standing orders and then to this government's changes to the standing orders, changes which effectively curtail an opposition's ability to question the government and to hold the government accountable.

We've seen clauses in bills that give the government the right to amend legislation by regulation. We saw it

most recently in municipal legislation last fall, and we've seen it in many other instances.

The bottom line, from our position, Mr Speaker, is that this matter, the matter of the obstruction by senior government officials, officials who I believe were acting on advice from their political masters, is a serious matter indeed, and your ruling at the time was quite appropriate. The government will likely defeat our motion to send this particular matter to committee for further investigation. They will again use their majority—ruthlessly, I would add—to shut down the effective process, just as today they effectively eliminated the possibility of a full public inquiry into the tragic deaths and illnesses in Walkerton, Ontario.

I remind the members opposite and my colleagues on this side that, first and foremost, the government broke the law. It broke the law when it gave those 50,000 names to a bank and to the polling company. Then, using obstruction tactics—and “obstruction” is the word chosen by the privacy commissioner, Ms Cavoukian. That's not the opposition, that's not the third party, that's not a columnist for the *Globe and Mail*; that's the privacy commissioner, an officer of this House. It was her word, that they obstructed, they covered up. I urge the government members—I know there will probably be a full whip on and they won't vote for our motion, just like they voted against a public inquiry over Walkerton. I urge the government not to vote to cover up the cover-up. Vote for Mr Conway's resolution.

They broke the law by releasing private personal information to outside firms. The *Globe* called the breach “disastrous” and said the government's secret would have stayed secret had it not been leaked.

The government covered up by blocking the privacy commissioner's attempts to get at the truth. What does this mean? Key officials, senior ministry officials, refused to be interviewed. They blacked out portions of key documents. They dragged their heels, according to Ms Cavoukian, at every step.

Ironically, this ruling came about, in any event, at the same time the government was talking about codes of conduct in schools. So much for responsibility and accountability; so much for respecting the law. A government that sets itself on its high horse and criticizes our students and our teachers and our criminal justice system for lack of accountability and lack of respect of the law, very clearly, in the words of an officer of this Legislature, broke the laws and in fact obstructed an investigation of a very senior official of this Legislature. The government talks the talk about being tough on those who break the law, and I would suggest to you that if they were really serious, they would vote in favour of Mr Conway's motion that is currently before the House.

The government says—and again it's a pattern that is starting to emerge—they're going to send the information and privacy act to a committee for further study this summer. Let me say to the government members that we will be putting our own amendments long before that committee starts to sit, and we're going to deal with

freedom-of-information and privacy considerations separately. We will not allow you to further restrict public access to government information under the guise of protecting the privacy of individuals.

It's interesting: We've surveyed the legislation from a number of jurisdictions here in Canada, and indeed elsewhere, and our legislation is too restrictive when it comes to the question of government information, of freedom of information, so that citizens can know what information government has about them, what information is pertinent to public debates on issues, what information is pertinent to other important debates. We intend to bring amendments to the act that will allow greater freedom of information while not restricting the individual rights to privacy that are enjoyed by Ontarians.

This report, coming when it did, and then Mr Conway's resolution coming when it did, roughly a week before the tragedy became known in Walkerton, is yet another example of how this government is prepared to try to message its way out of very serious issues. It is not enough to refer the Walkerton tragedy to a legislative committee that, by the government's own resolution, won't be able to sit for God knows how long. That's a stonewall, that's a cover-up. We have an officer of this House who says to us clearly, unequivocally and without reservation that the government's senior officials in the Ministry of Finance obstructed her investigation, and she has concluded that the office of privatization in fact broke the law some two and a half years ago when they released this information.

Sadder still in this whole debacle is the fact that the privacy commissioner indicated in her report that she met with co-operation and assistance from the private sector firms that were involved in this violation of the law. They co-operated with her, they responded to her, they assisted her in her investigation and generally helped to get the issue resolved. Sadly the government, the people charged with enforcing our laws and ensuring fair play, if you will, didn't co-operate to the same extent.

1900

I would suggest to the government, as we debate this motion to further investigate the situation and refer it to a committee, that they not try to do to Ms Cavoukian what they've done to others who criticize them. Eva Ligeti, the former Environmental Commissioner, one of the first people, by the way, to alert this government some four years ago to the potential problems with our drinking water, was fired by the government, and whom did they put in her place? It turns out to be a good friend of the Premier's, a former Conservative riding president in the Nipissing area. So if you criticize the government, the government replaces you.

We in this House, I would submit to my colleagues opposite, have an obligation to ensure that our democracy functions well, and sometimes we have to make choices in that regard. Let's talk about the choices this government has made. We talked first of all about the substantive legislative choices. Perhaps the greatest example was the bully bill. What about campaign finance

reform? Government members will remember that. The government effectively raised the amounts that corporations could give and raised the amounts that parties could spend, further tipping the scales away from equal elections where everyone has the same opportunity.

Our Freedom of Information and Protection of Privacy Act quite properly ought to be reviewed, and again I stress to the government that it ought to be reviewed in the context of making greater amounts of government information available and free in a more timely fashion.

I read an interesting paper by a professor at Queen's University who studied the impact of fee increases. This government, the Harris Tories, charges more now to get information from the government than used to be the case. This professor at Queen's University, having studied the impact of that, has found the amount of information available and it has been, in short, detrimental to the efforts not only of the opposition but of the media and of the general public to getting access to information.

Legislation, regulation, fees, rule changes taken together, I would submit, this Legislature, this Parliament, does not function as freely as it used to. I applaud my colleague from Renfrew who, when no one else had done this, read the report carefully, stood up and, citing his privileges as a member, suggested quite passionately and intelligently that this was a serious matter. There was a crime. There was an investigation, and the investigator, who is an officer of this House, concluded that her efforts had been obstructed; and I applaud you, Mr Speaker, for your ruling that indeed a *prima facie* case was present and that it merited further investigation.

The motion put by my colleague from Renfrew is simple: "Let's refer this to a committee for further debate and further investigation." I will suggest that if the government fails to vote for this, it will be the second example today of what I would call blind stonewalling, an indifference to wanting to get at the truth, an indifference to wanting to have a full airing of a significant matter. Make not mistake: This is a significant matter. I put the government on notice that the official opposition, for its part, will not play along with any attempt to make freedom of government information more difficult in the name of privacy. We want to look at both those issues. We will be making very substantive proposals in both cases, and I submit that all of us will be better off if we vote in favour of Mr Conway's resolution to further investigate these very substantial charges, if all of us as elected members of the Legislature, whether Liberal or Conservative or New Democrat, see our responsibilities as protecting the free functioning of this Legislature and of our province. If the government votes this down tonight or tomorrow, it will be the second time in a very short period of time that they've voted to stonewall a full and free investigation of a very serious matter.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to participate as one of the government members on this resolution that is before the House which has been introduced by the member for Renfrew-Nipissing-Pembroke.

There appear to be three issues involved in this debate: One, has there been contempt of this Assembly? Two, if there has, should it go to the committee on the Legislative Assembly? I believe that is Mr Conway's suggestion for further discussion. Finally, an issue that was raised by the government House leader was that Dr Cavoukian as the privacy commissioner is inhibited by a number of very complicated legal issues that preclude people from coming forward and giving testimony, for example.

You referred to that in your ruling made on May 18, Mr Speaker, and I'd like to refer to that, in which you did indeed rule that there is a *prima facie* case of contempt of Parliament that has been made out. Of course, as we all know, you're not ruling that there has been contempt, but there has been a *prima facie* case of contempt which has to be dealt with by this House, which is what we're doing now and which we did several weeks ago. You made your finding of a *prima facie* case of contempt. You went on, however, in your ruling to say—and I'm quoting from Hansard, page 3153—"At the end of the day, it may very well be that in this instance, the commissioner's inability to 'conduct a full and complete investigation' emanates, as is argued by the government House leader, from a lack of statutory power." Then you said, and I think this is the most crucial part of your ruling, with respect, "That may very well be the crux of the question as to whether or not a contempt occurred." Then you continued, "But again, I am only charged with determining whether a *prima facie* case has been made out."

The question is, what caused all this? What was Dr Cavoukian precluded from doing? She spent some time about that. There are a couple of legal opinions. I don't know whether they're filed at the table but everyone has a copy. The media has them; they're available. I'm going to refer to that because both the reports—I think there are two of them—deal with this issue as to the restrictions that she had legally in dealing with this issue. I quite concur with you that "the crux of the question as to whether or not a contempt occurred" was indeed, I would submit, "the commissioner's inability 'to conduct a full and complete investigation.'"

That's not part of Mr Conway's resolution. He's saying we should go to a committee for further investigation, and I understand that. However, there have been a lot of submissions, a lot of facts presented to this House that were made the last time it was brought forward by government members confirming the co-operation that was given by members of the government and others, civil servants and others who participated. However, it doesn't remove from the fact that the commissioner did have problems.

1910

I'm going to read a little bit that was stated. It's a legal opinion, which all of the members have, I assume, of Robert W. Cosman of Fasken Martineau. On page 7 it talks about the obligation to co-operate with the commissioner:

"At common law no person was required to answer questions that would tend to incriminate him or her. While this common law right has been abolished in respect of witnesses testifying in certain proceedings under both federal and provincial evidence legislation, this has been done with a corresponding protection against the subsequent use of such testimony. While these statutes require the witness to answer any question posed, he or she may object to doing so in which case the answer is not admissible in proceedings against that individual. This protection has been incorporated in subs. 52(11) of the FIPPA. Where the commissioner is conducting an inquiry under s. 52 and a witness is required to give a statement, the witness is entitled to invoke the protections of s. 5 of the Canada Evidence Act, and thereby prevent the statement from being used against the witness in subsequent proceedings.

"There is no such protection available in respect of statements made or answers given to the commissioner in the course of any investigation or research undertaken to gather information for the commissioner's report under s. 58." Then he quotes the commissioner herself in the addendum to the report:

"Such protections [from the use of statements given in an investigation to establish liability in a civil proceeding] are presently afforded to individuals who make statements to the commissioner in the course of her inquiries into access appeals under section 52 of the act; however, they are not currently afforded to individuals who make statements in the course of the commissioner's privacy investigations. The reluctance of many individuals to speak with us in this investigation is directly attributable to the lack of witness statement protections which would be available under an investigative regime with formal process."

I assume from that she's referring to the investigation similar to a coroner's investigation. The coroner has all kinds of formal procedures.

Then they went on further and talked about other sections, and members can read that. The solicitor concludes:

"The actions of persons in the Ministry of Finance can only constitute contempt of the Legislature if those actions obstructed or impeded an officer of the Legislature in discharge of his or her duty. While s. 58 of the FIPPA prescribes a duty to report, this does not expressly or by necessary inference prescribe a duty to investigate and a power to compel co-operation on the part of witnesses. Consequently, witnesses are not under any corresponding obligation to co-operate and disclose potentially confidential and self-incriminating information. It is our opinion that a failure to co-operate cannot constitute an 'obstruction' or 'impediment' to the discharge of the commissioner's duty that does not amount to contempt of the Legislature."

I haven't seen any other legal opinions challenging this statement, because everyone has one, and it is sound argument.

The commissioner herself has communicated with the finance minister, who introduced a resolution, filed on May 16, "That the standing committee on the Legislative Assembly undertake to review the Freedom of Information and Protection of Privacy Act and report its recommendations back to the House." In other words, the minister is saying, "Yes, we need to review this legislation." I trust it would also involve the municipal privacy legislation. I don't think that's referred to here, but it probably should be. I would submit that both those pieces of legislation need to be looked at. Mr Eves, the Minister of Finance, as I understand it, has indicated that that debate would come forward sometime before the summer.

Mr Speaker, I agreed with you when you made your ruling. I would agree with you that the crux of the issue is exactly the commissioner's ability to conduct a full and complete investigation.

I would like also to refer to a couple of other events. This privacy legislation was passed when Mr Conway was in government. It was passed by the Liberals in 1988. At that time, for whatever reason, the privacy commissioner was not given the powers that have been called for in this particular situation before us. The NDP had an opportunity—in fact, I remember being in a committee that discussed this very subject. The NDP as well, when they were in office, ignored the whole issue. In 1991 there was a committee I sat on, as a matter of fact, that called for an expansion of the commissioner's authority. A further review occurred in 1994, and there were no steps by the NDP government to expand the commissioner's authority.

I believe that when you look at the capabilities of what the commissioner can do—she was precluded, she was frustrated—she couldn't get the information she needed. Based on that, I would submit, along with the facts that have been presented to this House, that there was no contempt.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): What about the lawbreakers?

Mr Tilson: Mr Speaker, I'm going to run down with that. That's an argument as to whether or not there was contempt. Mr Conway has said, "About the lawbreakers."

Interjection.

Mr Tilson: We're getting into the crux as to whether or not there was a contempt. Obviously they haven't listened. I'd recommend that you read that legal opinion. Maybe you're not impressed by it. Maybe you have a legal opinion that you can bring back to us that contradicts that. I think that is a proper respect as to why this situation occurred.

Mr Conway: The umpire—

Mr Tilson: Mr Speaker, I'm going to deal with you. Mr Conway can carry on. That's his job, I suppose.

As far as the allegations that government officials wouldn't co-operate, wouldn't provide information, if you look at appendix B of the report, the commissioner did an interview with a whole slew of people. It talks

about whom she interviewed. She interviewed someone from the Ontario Financing Authority and someone from the Province of Ontario Savings Office, but the very people who are being accused of not co-operating, she didn't interview them. She didn't even ask to interview them. I'm looking through my notes here, but I know the finance minister was one; Mr Sampson, who was responsible for privatization at that time; David Lindsay; Rita Burak—none of those people were interviewed. None of those people were asked their opinions as to what happened and why that happened.

Quite frankly, I find that a shame because that's what this is all about. That's what Mr Conway is saying: "Those are the lawbreakers." You didn't even interview those people. You didn't even ask to interview those people.

Mr Conway: Not true. I thought I had Perry Mason, but I've just got Hamilton Burger on a bad night.

Mr Tilson: The fact is, the facts have been presented, uncontradicted at this stage, that these people were not even contacted by the privacy commissioner. I don't mean to be personally critical of this commissioner. I was on the committee I think with Ms Boyd and Mr Ramsay and we unanimously approved this person, a wonderful person. She stood far above anyone else. So if my comments are made out to be critical of her, they're not. I had the greatest deal of respect. I think she's stuck in a system that needs repair. Those were her comments. That's what Mr Eves has said he's prepared to do, and that's what we should do. That's not contempt.

1920

The privacy commissioner has suggested that some individuals would not speak to her about the matters in the issue. This doesn't really cause concern for the Ministry of Finance, who says we are interested in a full and complete disclosure, and we are. It's not within our power to compel individuals to contact her office. The government doesn't have that capability. She's the commissioner, and again I'm not being critical of her. I'm critical of the system that was set up by the Liberals.

Interjections.

Mr George Smitherman (Toronto Centre-Rosedale): Why didn't you change it the way you did with the water?

Mr Tilson: They say, why won't we change it? That's exactly what we want to do. If you listened to what Mr Eves said in his resolution that was put forward to this House last May 16, I think the date was, that's exactly what he wants to do. The commissioner has written him and said: "Congratulations. Let's do it." I hope they are going to agree. It's something they could have done. It's something the NDP could have done and for some unearthy reason they didn't do it. How do I know that? Because I was on the committee and listened to the recommendations being made that they change it, and for some reason they sat on their hands and did nothing.

I'm going to vote against the resolution, because I don't think the facts that have been put forward in this matter before the House warrant a resolution of

contempt. Nor do I believe that it should go to the committee. This matter has been fully debated in this House. By the time tonight is over, this resolution will have been debated—I'm being distracted by the minister with some picture. By the time this is all over, we will have debated this subject perhaps six hours.

I don't intend to repeat—Mr Young, I believe, spent some time the last day this matter was debated and went through all the reasons as to why there was no contempt. You have two legal opinions before this House. There are no contrary opinions the other way that say why there should be contempt. So, overwhelmingly the government has met the requirements put on it by the Speaker of this House, by you, Mr Speaker, that there has been no contempt. I hope that all members of the House would agree with that decision that there has been no contempt.

There is a fault in the system. There is a fault, and it's not just the provincial legislation; it's the municipal legislation as well. Both pieces of legislation will have to be looked at.

There was another solicitor, Hicks Morley, and I'd recommend that members read that, if you haven't already, that reiterates many—

Mr Conway: Another raving bunch of Liberals.

Mr Tilson: I would recommend that. I assume most members who are participating in this debate have read this. He concludes—it's not quite as lengthy an opinion as the other solicitor's, but Mr Scott Williams said the same thing. Based on the analysis that he made, "Our opinion is the Ministry of Finance did not breach the provisions of the act while participating in the inquiry leading to the ... report," and went into some detail as to why that didn't take place. For example, he says: "In the absence of any express power of inquiry under the act, the Ministry of Finance is not expressly obligated to provide information to the commissioner. We note that the commissioner herself appears to have come to a similar conclusion on pages iv through vi of the addendum to her report where she sets out her request for amendments to the act." So he too is saying that the legislation cries out for change.

"In arriving at our opinion we are mindful of the fact that section 58 of the act obliges the commissioner to produce an annual report assessing, in part, the extent to which institutions have complied with the provisions of the act and that section 61 of the act makes it an offence for any person to wilfully obstruct the commissioner in the performance of her functions under the act. However, as we have previously noted there appears to be no indication that the ministry denied the commissioners access to documents specifically requested nor that it prohibited staff or former staff from providing information to the commissioner based on the information you have supplied. In short, there is no evidence of obstruction. Our opinion is that the obligation to avoid obstructing the commissioner in the course of her functions under section 58 ... does not extend to impose a positive obligation."

Overwhelmingly, there is no contempt on this side.

Ms Caroline Di Cocco (Sarnia-Lambton): I am pleased to take part in this debate, and although I have to say I don't have quite the experience nor the oratory excellence that the member from Renfrew-Nipissing-Pembroke is endowed with, I do feel passionate about protecting the integrity of the role of an officer of this House in carrying out his or her duties. In this case, the officer is the privacy commissioner.

This is about the role that government has under the Freedom of Information and Protection of Privacy Act, which says the act requires that the government protect the privacy of an individual's personal information that exists in government records. That's what the government did not do in 1997. It literally dumped and threw over 50,000 people's personal information to private companies.

I believe that the rules that govern this Legislative Assembly are in place as checks and balances so that no one is above the law, nor can power be used to interfere with investigations that are conducted to find out why and who is responsible for a breach of the law.

In this case, not only did the Ministry of Finance not report the infraction in 1997, but from the privacy commissioner's own report, various officials inside the Ministry of Finance and elsewhere showed contempt for this Legislature by impeding and obstructing the officer of this House in conducting her investigation. Because of this track record, as stated in this report, I question the resolve of this government to get to the bottom of the water situation in this province, because it is basically only going to investigate itself. This government is not accountable to the people of Ontario. All it knows how to do is to use this place and use its power to make sure that they can very systematically cover up why and who is responsible.

The privacy commissioner, who is an officer of this Legislature, was so frustrated by this obstruction, that she outlines in her report that she was unable to properly conduct her investigation. She was not able to properly assess why and who breached the privacy act in the dumping of all the information, including account balances and over 50,000 account holders of the savings office, and put this in the hands of private firms.

In case the members of the government don't know what section 1(b) of this act states, it includes the protection of privacy, and it says that the purpose of this act is "to protect the privacy of individuals with respect to personal information about themselves held by institutions."

The word "institution" is also defined in the act as a ministry of the government of Ontario. The Province of Ontario Savings Office, under the Ministry of Finance, is a government ministry, and under this law it must protect the privacy of individuals with respect to their personal information. It's that simple. Again, this personal information was not protected, and the investigation into why and who was responsible that all this personal information was dumped into the hands of two private firms was, according to the report, obstructed.

1930

Let me provide some history on this matter. The Province of Ontario Savings Office is a deposit-taking financial institution. It provides banking services to the public through 23 branches and five agencies, and some of these branches are in Hamilton, in Toronto, in Guelph, in London, in Ottawa, in Owen Sound. These offices were created in 1921 and they offer savings and chequing accounts, short-term deposits, GICs and Ontario and Canada savings bonds, and the province of Ontario guarantees these deposits. Today it has approximately \$2.1 billion on deposit. There are about 90,000 chequing and savings accounts and 55,000 short-term notes outstanding. That's the business it does.

The Ministry of Finance controls the Province of Ontario Savings Office, and under the privatization zeal of this government the savings office was identified as a potential privatization candidate, and therefore there was a review. To assist the review, CIBC Wood Gundy was retained to provide financial analyses and advice and the Angus Reid Group was contracted to survey the account holders and to evaluate their reaction to privatization. That's where the problem began, because in this assessment the information provided to the Privatization Secretariat and the two firms included sensitive personal information such as account numbers and account balances, social insurance numbers, names, addresses and phone numbers, and the information disclosed was far more detailed than was necessary. The privacy commissioner's specific conclusions related to this incident were that the account holder information provided to Wood Gundy and Angus Reid was "personal information" as defined by the act.

The three disclosures—from the savings office to privatization, then you have privatization to Angus Reid, and then from the savings office to Wood Gundy—were not in compliance with the act. That's what she said: Reasonable measures were not taken with respect to the security of the information and its recovery from privatization and Angus Reid and Wood Gundy, in accordance with the requirements of section 4 of regulation 460 of the act. The point is that in this same report on page 2, it states that had the ministry notified the privacy commissioner of the possible breach of the act in 1997, that would have been the ethical thing to do. In other words, if we made a mistake, let's contact the person in charge and say, "Look, we've got a problem here"; it would have been dealt with quickly. But she stated that not only did the ministry not notify of that, but they tried to restrict the scope of the investigation and investigative tools that were available to the privacy commissioner.

First they acted inappropriately, unethically, and against the privacy laws of this province, and then they obstructed the person, who is an officer of this Legislature, in her attempt to find out why it happened and who is responsible. This breach of the privacy act requires a legislative inquiry into why the finance ministry officials blocked Cavoukian's request. If there is

any hope of maintaining a semblance of integrity of the rights of this House, then an inquiry is the only moral and ethical way to find out the truth in this matter. Again, somebody broke the law here, and it's only right that we find out why and who is responsible. That is exactly why we need an independent commission of inquiry when it comes to finding out what has happened in this province about our water issue, which is unprecedented and never should have happened in the first place—not in Canada, not in Ontario.

I believe that in the ruling by Speaker Gary Carr, the most poignant sentence was this: "In considering the question, I find the very fact that an officer of this House, a person selected by this Parliament and sworn to faithfully discharge her duties to this House, has taken the extraordinary step of advising us that the authority of her office was disregarded and discounted to the extent that she was"—and he quoted from her report—"unable to conduct a full and complete investigation," is in and of itself a challenge to the supremacy of this House, from which she draws that authority." I say that this House is not something that you pay lip service to when it's selectively convenient. How can government members justify this type of action towards an officer of this Legislature? Is the contempt for the rules of this Legislature so great that the members of this House believe they can be above the law?

In closing, I want to say that we need a full and detailed investigation into this matter if this House is to have any degree of relevance in conducting the affairs of this province.

The Speaker: Further debate? Member for Trinity-Spadina.

Mr Rosario Marchese (Trinity-Spadina): Goodness, I thought I had eight more minutes—sorry. Speaker, do you want to correct some problem here?

The Speaker: I'm not sure whether the member indicated she was going to share the time.

Interjection.

The Speaker: OK. With unanimous consent? Agreed.

Mr Steve Peters (Elgin-Middlesex-London): I want to commend my colleague from Renfrew-Nipissing-Pembroke for his efforts in ensuring that this issue is debated here in the Legislature. Quite frankly, if the government had its way, this report would just have been tabled and swept under the carpet, because that's the track record of this government. That's the way they deal with any type of issue. If in some way there has been wrongdoing by the government, they just try and sweep it under the carpet.

But at the Liberal Party, we're committed that the public has a right to know. The public has a right to know what this government has done with their records when it comes to the Province of Ontario Savings Office. The Information and Privacy Commissioner clearly pointed out that the public needs to be made aware that the government has been caught red-handed giving out private, personal information about clients of POSO to private companies.

What is most distressing about this issue is the fact that this commissioner is an employee of ours, of all 103 of us, and the members on the government side should be concerned and should take heed. Let's use what she has said to make sure the wrongs that have been committed don't happen again. This is a very serious breach of the public trust, and I can't believe that the government wants to sweep a breach of the public trust under the carpet.

1940

You know, 50,000 citizens in this province had their SIN numbers, phone numbers, bank balances turned over to two private companies. I'm speaking tonight because some of my constituents are part of those 50,000 individuals. There is a POSO office in the town of Aylmer in the county of Elgin, and I talked to people in Aylmer and the vicinity who are most seriously concerned that their private information that they entrusted to the government was turned over to a public body. That's who I am speaking for today. I'm speaking on behalf of those depositors in Aylmer who are extremely concerned, and I too am extremely concerned that sensitive and confidential information was released by this government.

My colleague has the right idea: We need an inquiry to ensure that there is integrity and independence that still exist in this province. If we continue on the way this government wants to go, that's not going to happen, Speaker. It's quite obvious from your ruling of April 26 that the Information and Privacy Commissioner, concerning disclosures of personal information—that in the course of the investigation and my colleague's resolution it be referred to the standing committee of the Legislative Assembly for immediate consideration, because that's where it needs to go. We need to have all members of this Legislature having say and input into what the privacy commissioner put forth.

As my colleague pointed out, the motion he put forward is to finish the job that Dr Cavoukian started but was prevented from completing because of the obstruction she encountered. The motion refers to the entire 1997 disclosure incident, as well as the stonewalling by government officials to the standing committee of the Legislative Assembly of Ontario. Unfortunately, stonewalling is becoming very much the practice of this government. Again, it's something we need to be concerned about.

We're seeing it right now in the stonewalling of this issue and not allowing full and open public debate and having it referred to a committee. We've seen it happen with the Ipperwash incident, a most tragic, dreadful thing, one of the most serious things that has happened in this province. We've constantly had calls for a public inquiry into Ipperwash. No, the government hides behind a veil of "before the courts."

As of today and on behalf of the constituents of Elgin-Middlesex-London, I too want to extend my condolences to the families in Walkerton and the Walkerton area who have been faced with this most serious tragedy. The

government demonstrated again today trying to sweep something under the carpet, stonewalling the public and resolutions put forth for public inquiry so the public can find out exactly what went on. But no, the government knows that they've done wrong, and what do they do? They defeat the resolutions; they stonewall.

Their track record of stonewalling—I've been just so amazed, as we come up on our first anniversary here in this Legislature, how many times I've had to resort to going to the freedom of information commission to get information that I should be entitled to and that my constituents should be entitled to. But no, ministry after ministry stonewalls and puts up: "We can't release that information. It's an FOI request."

I can't tell you the countless times I've reached into my pocket and pulled out that \$5 bill and sent it to the various government ministries to try to get information—information from the Ministry of Health, and then you get back blank page after blank page. Agriculture: I've been stonewalled trying to get information from the Ministry of Agriculture, when their staff admit documents exist—trying to get that information from the ministry. Citizenship, culture and recreation: Just very recently, a week and a half ago, I had to send a cheque for over \$400 to the Premier to get information I should have had a right to. There are some really serious problems in the way this government is handling the release of public information and making that information available to the public. I think it's wrong that we have to resort to that.

The public needs to really—I would urge you to go to the government Web site or contact the Ministry of Finance office to request a copy of this special report to us, the Legislative Assembly of Ontario, because this report is most revealing. It goes on that the privacy commissioner's investigation revealed that the information provided to the two firms included sensitive personal information. You wonder what the government in their privatization mentality was thinking when the information they disclosed was far more detailed than was necessary or required. The privacy commissioner concluded that the disclosures of the account information were not in compliance with the Freedom of Information and Protection of Privacy Act. In other words, the government broke the law.

It was very interesting how quickly this project came to an end as soon as the complaints started to roll in to the ministry from holders across the province. The complaints that were lodged quickly stopped this whole silly process. The privacy commissioner even said that had the minister notified her, it could have been dealt with quickly. But upon learning of a possible non-compliance under the information act, the government organization should notify the commissioner as quickly as possible. But you know what? The government didn't do that. It took the news media conducting research on a story to get the government to act on this. That is a really serious situation.

I urge all members—and especially the members of the government should be supporting this resolution. You owe it to your constituents, because you have POSO offices in your ridings, to get all the information.

Mr Marchese: I'm happy to have this opportunity to speak to the motion presented by the member from Renfrew-Nipissing-Pembroke. It must be a big riding. Just the title, Renfrew-Nipissing-Pembroke—it never ends. It must be as big as France, possibly. No, it wouldn't be as big as France, but it's a big area to cover. I wouldn't want to be that member. It's nice to be in downtown Toronto where everything is concentrated.

Mr Conway: A pocket borough.

Mr Marchese: "Pocket borough"—it's bigger than that, but it's beautiful. You canvass the streets, Shaw Street or Crawford or Montrose, and everybody is there. If you go to Renfrew-Nipissing-Pembroke, my God, it probably never ends: one house over here, 10 miles and another house over there, maybe another farm a couple of miles.

Anyway, to his motion: When I think of the issues we're dealing with, immediately the image that comes to mind is a septic tank. It does. I think of a leaky septic tank and if you happen to be close to it, how it would reek, and how you as a human being would find the smell intolerable, I'm sure, unless you repair it. So when I'm dealing with these issues I think immediately of a leaking septic tank, and you know they haven't repaired it. But I've got to tell you they are good; they are very, very good. I want to give a few examples of how good they are.

First of all, Premier Mike Harris was very enthusiastic and with great alacrity responded to denounce the Canadian government, the Ottawa government, the Liberals, for keeping millions of files on Canadians. He said, "This is the kind of thing that concerns all of us as citizens." We agree, I agree, yet we have a situation where M. Harris is doing something with 50,000 files regarding the Province of Ontario Savings Office depositors where they had given out information to two companies, Angus Reid and Wood Gundy, information that in my view is breathtaking because it reveals social insurance numbers, addresses, phone numbers and bank balances. I would find that equally uncomfortable or discomfiting, to say the least, in terms of M. Harris and gang disclosing that information, as uncomfortable, if not as bad or worse, as what the federal government is doing in terms of keeping information about each and every one of us. Wouldn't you like to have a sense of what they keep on us in those files? What the feds are doing is bad, but what the provincial government is doing is worse. But it's all right for M. Harris and company to say it's bad to keep information or files on each and every one of us, but it's not bad to in fact release information about each and every one of us to two companies, Angus Reid and Wood Gundy, information which would be used to test out their feelings with respect to the privatization of the Ontario savings office.

1950

For those of you who don't know, the Ontario savings office was created in 1921 initially to assist farmers, but it has about 25 branches—it's quite big—and 90,000 chequing and savings accounts with about \$2 billion. With what great interest—and I suspect the Tories salivated at the thought of privatizing, because it's yet something else they can do for their friends. This government loves to get rid of everything that works well for Ontarians. I think this office works very well. People invest, people have money there. In fact, I once said to a former minister in my previous government that we should use that office as a bank and lend money out to small business, who are having a hell of a time finding access to capital from the banks who don't want to give money to small business because they're a risk. They don't mind giving millions and billions of dollars to big corporations, but to small business it's a different story. Why couldn't we use this office to lend money out to the small entrepreneur who has a difficult time finding a few dollars to get himself or herself started? I tell you, it can be a very good place to start allowing people to access money that they desperately need to be able to get their good ideas rolling. And it's a money-making place. Why would this government want to privatize it? That's another question, of course, for another day, another discussion. But these guys in fact gave the information away to two companies so they could get their feelings about privatizing this successful institution that belongs to the Ontario government.

Our commissioner, Ms Cavoukian, indicated—and I'm going to quote her at length—that what this government did two years ago was wrong, against the law, that it broke its own laws, and this government of course is covering it up.

Mr Christopherson, our finance critic, asked a question on April 26 to Mr Eves. I just want to quote M. Eves to show how good these guys are. Mr Christopherson asked a question: "Minister, this is a shocking exposé"—referring to the commissioner's report—"of a government that has broken the law, misused personal information in pursuit of its privatization agenda and is now engaged in a massive cover-up." M. Eves says, "We accept the commissioner's report entirely and we are acting upon her recommendations." It makes it appear like he's doing something. "We have already satisfied or fulfilled four of the seven recommendations, and I can assure the honourable member that the other three will be satisfied by July."

He's saying to the good public, who doesn't have a clue what we're talking about: "Don't you worry your pretty little heads, you Ontarians out there. Me, M. Eves, I'm fixing it. Don't bother looking through Hansard or through the report to find out what we're talking about, because it's so complicated, as complicated as the Latin words 'prima facie' for you to understand. Please disregard it, forget about it. Let me, M. Eves, deal with these problems." He said nothing and he was quiet and very comforting in his answer. He wanted to reassure

Ontarians that he was looking after it. Four recommendations were dealt with; three others to be followed by July. He makes no mention of what those three things are. But he wants to assure my colleague Mr Christopherson that everything's OK.

Mr Christopherson, of course not entirely happy, continues and asks a supplementary and raises other questions. Then the answer from Mr Eves is: "There is no cover-up, number one. Number two, though, I would like to say very directly to the honourable member that this government has no difficulty with referring the entire act to a committee of this Legislature for review." He makes it appear like somebody has been requesting this review. Nobody requested the review of the entire act.

What Ms Cavoukian said was that she wants a speedy resolution of the problem that did not permit her to investigate, as is her obligation, as is her desire to do, and this government put rule books in her way. That's all she said she wants. I'll go through the quote so I won't miss a thing, but you'll get a good picture of the fact that they were covering up. Minister Eves says, "No, we're not." Ms Cavoukian says in her quotations, as you will see, that there is covering up, and we're all reassured that we should go back home because everything is all right.

Here are some of the quotations from Ms Cavoukian: "The ministry submitted that it has been 'frank and open'"—and they say this so nonchalantly and so convincingly that some who don't know might be persuaded by M. Eves, who appears to be a very solid individual, very sincere, and by the way he communicates, so we'll just believe him. But she says, "The ministry submitted that it has been 'frank and open' and has 'made every effort to assist you with your review.'" She says, "We respectfully disagree...."

"The ministry's efforts to limit our investigation and its failure, in our view, to use its best efforts to ensure that its current and former employees co-operated with us has hindered this investigation." Remember the words by the minister: "We were frank and open. There was no cover-up." Let me continue with the quotations: "Co-operation has been difficult to obtain on occasion, but we have never before faced the level of difficulties or the number of obstacles experienced in this investigation." Keep in mind the backdrop: "We are open and frank. No cover-up." You have to keep that in the background.

Further with the quotations: "In our view, the ministry endeavoured to restrict the scope of the investigation and the investigative tools available to the IPC." It continues, "The ministry's response to our investigation stands in stark contrast to the co-operation provided to the government auditor who conducted their review (not privacy audit) of these events in August 1997.... According to the auditor, ministry employees had been clearly instructed to co-operate with him. Our office, however, was told by ministry officials that they were not in a position to instruct their employees to co-operate with us, not even to the point of encouraging them to participate in the interview process."

Speaker, you're going to miss all these other good quotations, but we'll see you next time.

Mr Peters: Read it in Hansard tomorrow.

Mr Marchese: Yes, read it in Hansard, Speaker, because I'm sure you'll enjoy it. To the now current Speaker, you'll enjoy these too.

"Despite our inquiries, we have been offered no explanation for these dramatically different approaches. As a consequence, we do not feel that the public interest has been adequately served."

Mr Tilson, I'm not sure you're enjoying these quotations, because I heard your speech and I don't know how it squares with your comments.

"All of the questions surrounding the 1997 disclosure of POSO," the office in question, "account holder information have not been answered, nor have all of the relevant facts been determined. This is unacceptable to us. It should be unacceptable to the government."

She says, in her letter sent to Minister Eves: "I believe that enough time has been spent studying this matter. The time for action is now." She wasn't saying to you, Mr Tilson, or to the minister or to M. Harris or any of you, "Let us send the entire act to the committee." She says, "What we need is an immediate response to the problems I have identified so that I can carry on with the investigation that I am obligated to do." So Eves says, in response to the member, M. Christopherson, he's got no problem sending the whole thing to committee. We didn't ask that. Ms Cavoukian didn't ask that.

2000

What in God's name could conceivably be the reason why they would want to send the entire act to the committee? Not, I would assume, to help Ms Cavoukian, because if they wanted to help her, they would have answered her request immediately, saying: "We have had enough study. Deal with it now." They want to send this entire bill to committee because the information that people have been getting has been sort of destructive to this government. Think of the number of cases that have been drawn out that have clearly shown that this government is covering up a hell of a lot of things and making it difficult for people to access this information. But because of our ability or the public's ability to get the information, we learned that more than 3,300 incidents of toxic dumping into Ontario waterways had occurred. It was an incredible leap, "under this corporate-fawning government," describes Michele Landsberg, "from previous pollution levels." They doubled or tripled, if I recall the number correctly.

These are the kinds of things we want to be able to get at. This government, I've got to tell you, has made it difficult, first of all, by charging exorbitant fees, making it not impossible but very difficult for people to access that information. Every request you make is costly. The majority of citizens, who don't have the backing of corporate friends, have a hell of a time accessing this kind of information. But because the general public is able to get this information and is able to make the government from time to time look bad—even though

there are times when I think this government has protected itself so well that it seems impervious to attacks; that's why I say they're so good—one wonders whether or not eventually they will crumble. It would be my hope, and in the not-too-distant future.

But people are getting the information in spite of the roadblocks, in spite of the hefty fees that they have charged since getting into government making it difficult for people, in spite of the fact that they took civil servants out of the process of making the decision as to what information gets released and put it in the hands of the deputy minister, making it very political, I would add. The deputy, after all, at the end of the day is there to serve the minister. That's their job. But it does in my view politicize what is seen and what is not, what is given out and what is not given out.

My feeling is that they want to bring it to committee to make it more difficult for citizens to be able to seek out the information they want, making it very difficult to protect the public interest. I think it should be in their interests as well, as it is in my interests and in the interests of every individual wanting to have that kind of democratic access to the information. So they want to send the entire bill for review. The motion that is before us by the member for Renfrew-Nipissing-Pembroke is to refer the report of Ms Cavoukian to the committee, and that is all we should do, because that is all she requested.

Mr Stockwell, the Minister of Labour, says there is no contempt and the government will pretty well block any legislative investigation. He said as much, that there is no contempt, there is no problem—suggesting, of course, they will block any attempt by any one of us, members of the opposition or the general public, to get at solving this matter.

I think we've got a serious problem with this government. I think our democratic institutions are seriously eroded. Witness that every bill of importance to us in opposition and to the public that follows politics gets to have one afternoon of hearings. As an example, the education bill: We were told a couple of weeks ago it was only going to get one afternoon, but I hear that, through the magnanimous generosity they're experiencing these days, they're going to give us two days of hearings.

They might give us two days of hearings on Bill 74, the education bill that severely limits the powers of boards and teachers. In fact, it takes away so many powers of individual teachers and boards and trustees that it deserves an appropriate review and an appropriate response by the teachers, the parents, the general public and the opposition who have an interest in reviewing those bills.

There is a pattern and the pattern, of course, is to block information, to deny information to the public, deny the information to the opposition, assuage the opposition and the public in not digging deeper for information because they've got all the answers. Not to worry, if they don't have the answers, they will find them and they will solve it. They don't need the public in-

volvement whatsoever, because this government is taking care of things.

The revelations made by Miss Cavoukian, in my view, bring a great deal of disrepute to this government which has attempted to cover it up, continues to attempt to cover it up and doesn't want to deal with it. By sending this issue to committee, I think it spells trouble for the office of the commissioner. It spells trouble to anybody opposing this government or exposing the ills of this government. I just want to urge the general public to beware. The septic tank is leaking and it's getting bigger and bigger by the day.

Mr R. Gary Stewart (Peterborough): It's a pleasure for me to speak to this resolution. As I look through the information that has been supplied, I think there are a number of key issues involved. Certainly, if you read the Speaker's ruling, it is not finding the government in contempt of this Legislature. To be in contempt you must show complete disregard for the commissioner's office or disregard for this House. I think it is very evident, and I will show as I go through my 20 minutes, that there was good co-operation. There was co-operation given that was not followed up and I believe there was no indication that there were obstacles put in the path of Ms Cavoukian's investigation.

Certainly it has been proven and I will show you that the release of the oath to the people who wanted to or could have spoken freely and frankly to the commissioner was put in place. As I suggested, contempt of the Legislature is blocking the offices involved. Blocking information has been suggested and I don't believe that happened.

Also, there were three legal opinions given and it kind of interests me when I find that three lawyers all agree. That is very unique in our society these days. No disrespect to the lawyers who are present, but it is a bit unique and I've been a bit involved with them over the years. In this particular case, the government had three legal opinions, all of which clearly stated the facts of this matter, that it does not support the opposition's allegation of contempt.

I just want to read a couple of them, if I may. One is suggesting: "Our opinion is that the Ministry of Finance did not breach the provisions of the act by participating in the inquiry leading to the POSO report. There was no indication that the Ministry of Finance denied the commissioner access to witnesses or that it prohibited staff or former staff from speaking with the commissioner."

It also goes on to say: "There is no suggestion that the ministry refused a direct request for particular documents or piece of information. In short, there was no evidence of obstruction."

2010

This is an opinion of lawyers, all agreeing that in their opinion there was not contempt and that the ministry was very open and would allow people to speak very freely.

I have a letter from the Ministry of Finance to Dr Cavoukian, and I apologize to her if I'm not pronouncing her name correctly. I think the member for Renfrew

started out that way about a week ago, so I follow in your path, sir, and I do apologize to Ms Cavoukian. I would like to read a portion of this letter dated April 7:

"I think it is fair to say that we have made every effort to assist you with your review. We responded in detail to every question asked by the commission and provided every document requested. We quickly contacted the many individuals you did choose to interview, including many who are no longer in the Ontario public service, and we wrote to each of them indicating that the ministry was co-operating fully with the commission in its review.

"Current and former staff were offered legal counsel at ministry expense in preparation for their interviews and were released from their oath of secrecy to ensure their freedom to provide you with full and frank information if they chose to be interviewed." I want to just repeat that: They "were released from the oath of secrecy to ensure their freedom to provide you with full and frank information.... Similarly, the key individuals at Angus Reid and CIBC Wood Gundy were released from their contractual constraints to permit them to speak openly and freely with you."

It goes on to say:

"The documents provided to you identify over 40 individuals who were directly associated with the events in 1997. We note that you chose to contact only 13 of those individuals, many of whom you state you were unsuccessful in speaking with. Your suggestion that certain individuals were reluctant or refused to speak with you deeply concerns me. If you feel that anything has been overlooked in your review, perhaps there are others you might still choose to speak with. If there are any specific individuals whom you believe could be helpful to your review, I would certainly make every reasonable effort to facilitate their co-operation."

That is signed by the deputy minister. If that suggests there were roadblocks and a lack of co-operation on behalf of the ministry towards the commission, I suggest to you that something is drastically wrong.

As I've mentioned, that is from the ministry on April 7 direct to the Information and Privacy Commissioner.

I want to read another letter. This was on February 7, 2000, and again was from the Ministry of Finance.

"The Ministry of Finance is co-operating with the information and privacy commission in this investigation. As part of this investigation, the commission has determined that it would like to interview certain staff and former staff who may have some knowledge of this matter. In order to enable you to answer any questions that may be put to you by the commission as part of this investigation, the ministry is releasing you from the oath of secrecy you made under the Public Service Act when you were hired. The oath of secrecy is being waived only to the extent required to facilitate co-operation with this investigation."

I suggest to you that does not indicate or suggest that there was any type of contempt, that there was any disregard towards the commissioner's office, and I sug-

gest that we suggested they could speak freely and openly to the commissioner.

As mentioned to you, I believe there could have been open dialogue. There was one indication in the letter to the Honourable Ernie Eves from the commissioner, and it has been read today:

"My strong preference, however, is that these changes be fast-tracked in the form of a short bill, rather than referring this to a legislative committee.... While your suggestion of referring the entire act to a legislative committee for review shows the importance you are placing on the need to add the powers we require to protect the privacy of Ontarians...."

I believe that act has not been reviewed since 1991 and 1994. I suggest to you it is time that act was reviewed. When I listen to people involved who suggest, "Let us fast-track these things," I get a little bit concerned. I'm concerned about whether there are things in the act that should be revisited, and in my opinion, of course, I have long been an advocate that sunset clauses are extremely necessary, that we can go back and look at it. I guess the Municipal Act is a perfect example of it.

I'm going to sit down, but I do feel that in no way is there an indication of contempt. I believe the co-operation has been there for the commissioner who wanted it. Unfortunately, the commissioner did not seem to want to talk to administration, did not want to talk to those of higher office. When I see that people like Rita Burak and David Lindsay and the Minister of Finance, the Honourable Ernie Eves, were not contacted, I suggest it makes it very difficult to write a report on this type of situation. I thank you for the opportunity of speaking to this resolution.

Mr Ernie Parsons (Prince Edward-Hastings): The facts in the initial part of this case appear to be relatively simple and clean. The Province of Ontario Savings Office made a gross and almost inexcusable error when they released the information to private firms, to Angus Reid and CIBC Wood Gundy. Nobody denies that. The part that amazes me is that given nobody denies it, the proper reaction from a responsible individual, minister or government, would have been to say: "We made a mistake. We very clearly made a mistake when we released what people consider to be highly confidential personal information." But they didn't react that way. It wasn't that simple to them, and so the next part puzzles me, that people who are supposed to be responsible don't take responsibility for their actions.

When I see that the finance ministry and the Privatization Secretariat chose to simply put obstacles in the way, then there is something fundamentally wrong with an organization that would allow that to happen, when they acknowledge that there is absolutely no question that wrong was done.

We would not be here this evening debating this motion if there had been people mature and responsible enough to say: "We made a mistake. We'll work with you to make sure it doesn't happen again." But even worse, there appears to be no guilt, there appears to be no

shame whatsoever, for releasing information that, were it to apply to them, they would be most distressed that it was given out. But there's no acknowledgement at all that they are ashamed of their actions; in fact, quite the opposite. The privacy commissioner has made it clear that their attempt was to block the investigation by simply not co-operating. Individuals paid by this province chose not to respond to questions from the privacy commissioner. How dare they? How dare they choose to say, "I will not be accountable or responsible to the citizens of this province"?

We have so many acts coming through here that include the word "accountability." Everything is supposed to improve accountability, but when we really have the rubber hit the road, this government doesn't want to be accountable for its actions. So we get straight obstruction taking place.

2020

These civil servants, if we really think about it, don't report to the government and they don't report to this Legislature. They report to the citizens of this province. It is absolute, open defiance to say to the taxpayers, the citizens of this province, "We will not explain our actions." If they don't have to explain their actions, then there is the risk that those actions can be repeated.

There is a fine line between democracy and dictatorship. The cynic says that we have democracy one day every four years. We're seeing that in action, and I have a better comprehension than I ever had before: As long as you've got more members than the other two parties in the House, you can do anything you want. There's no limitation on your actions. That's democracy. It doesn't have to be in the best interests of the province; you just have to have more members than the other parties together.

For a group that came not to be government but to fix government, they haven't fixed it very well. In fact, they're going in the wrong direction. This is probably the best example of that.

I fear for the privacy commissioner from the viewpoint that when the Environmental Commissioner brought in a report that acknowledged what was going on, we got a new Environmental Commissioner. Now we've got a privacy commissioner saying that the government has not co-operated. I hope we don't see history repeated in this case because we have someone who has chosen to do the right thing.

What is the government's defence to their lack of co-operation? It's to deny the lack of co-operation. Very clearly, in their minds the Privacy Commissioner must be wrong. They wanted to co-operate. The last time I heard that defence was last fall when we had the auditor bring in his report. The auditor produced numbers that showed, for example, that the privatization of highway maintenance in fact cost more than when the public forces did it. The response is, "He doesn't know what he's doing." That's an easy, flippant answer that can't be substantiated with numbers.

Interjection: Do you think his job is in jeopardy?

Mr Parsons: I would not be shocked to see another auditor appear in this province. We very clearly have a government that says, "If you don't bring the right message, then we will get a new messenger."

Somewhere there's a president of some Conservative riding association making a phone call tonight, saying, "I'd like to be the privacy commissioner," and the name will probably appear at some stage.

They blame the message that was brought without recognizing what the real problem is. The problem is a lack of respect not just for the 50,000 people who had their information given out, but for all the citizens of Ontario.

It begs the question, what else has been given out that they haven't been caught at yet? We know there are wonderful arrangements with the corporation that bought the 407. When you drive through their entry point on to each of the expressway entrances, your licence number is shared with the ministry and they're given the information. That's an even better deal for the 407 company, though, because we're not only the Ontario government; we're also the Ontario collection agency. I have had individuals in my area who have had difficulty in collecting bad debts ask who exactly in the government they contact to collect their bad debts. I reply to them that you have to have a very special arrangement with them, and that was certainly a very special arrangement.

Why are we here? Why are we talking about an item that everybody acknowledges and yet we see a refusal? This could have been over last Thursday. This could have been finished and we could have been on to more meaningful things, but we're not seeing that happen. Instead, we're hearing code words put out there like, "We're going to review the freedom of information." This government speaks in code. In many cases they have mastered the technique of saying the opposite of what they actually mean.

It scares me when I see the lack of access that citizens now have to information. When I see that the privacy commissioner herself cannot get information out of the province, it causes great concern, and it should be of great concern to everyone in this House how average citizens in Picton or Belleville or Frankford or Desoronto will be able to find out what the government is doing

with their lives. The amount of information this government controls is absolutely awesome. We now realize that they are not terribly concerned about protecting that privacy as long as there's money involved. An average citizen wanting information through freedom of information will pay a substantial cost to get copies. Here in this case it's simply handed, carte blanche, to two companies that, bless them, were responsible enough and knowledgeable enough to say, "We shouldn't have this." But it's, "No, no, you take it; it's yours"—and now not prepared to face the consequences of an extremely bad decision.

I'm pleased to advise that I will certainly support this motion because I fear that this is the tip of an iceberg and, thank goodness, it has come to the public's attention.

The Acting Speaker: Further debate? No.

Mr Conway has moved that in light of the Speaker's ruling that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000 by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration.

Shall the motion carry? All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. It will be a 30-minute bell.

I have a letter pursuant to standing order 28, a request that the vote by the motion of Mr Conway be deferred until Tuesday, May 30. This will happen during the normal period for deferred votes.

Orders of the day.

Hon Frank Klees (Minister without Portfolio): Mr Speaker, I move adjournment of the House.

The Acting Speaker: Mr Klees has moved adjournment of the House. Shall the motion carry? Carried. This House now stands adjourned until 1:30 the clock tomorrow afternoon.

The House adjourned at 2028.

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No. 63A

N° 63A

ISSN 1180-2987

**Legislative Assembly
of Ontario**
First Session, 37th Parliament

**Assemblée législative
de l'Ontario**
Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 30 May 2000

Mardi 30 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 30 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 30 mai 2000

*The House met at 1330.
Prayers.*

the year ending 31 March 2001, and recommends them to the Legislative Assembly."

BUSINESS OF THE HOUSE

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: On orders of the day today we have an opposition day, which belongs to the official opposition, the Liberals. We submitted a resolution, according to the rules, about two weeks ago, with respect to what we wanted to debate. In the interim, events at the tragedy at Walkerton have unfolded and I will be seeking unanimous consent to change the opposition day motion that's before the House to read as follows:

That in the opinion of the House, the government, under the Public Inquiries Act, should appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

(1) to examine legislation and regulations governing the provision of standards for and testing of drinking water in the province;

(2) to examine the adequacy of the inspection and monitoring programs for all provincial water systems and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

(3) to examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province; and

That the three House leaders are consulted and must approve the government's appointee(s) to the inquiry, any changes or additions to the above terms of reference for the commission, and the reporting date for the commission's interim and final reports.

I seek unanimous consent of the House to change our motion to this motion for debate this afternoon.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

ESTIMATES

Hon Chris Hodgson (Chair of the Management Board of Cabinet): Mr Speaker, I have a message from the administrator of the government, signed by his own hand.

The Speaker (Hon Gary Carr): It reads: "The administrator of the government transmits estimates of certain sums required for the services of the province for

MEMBERS' STATEMENTS

WATER QUALITY

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): First of all, I would like to express my sympathy to the residents of Walkerton, and I would like to bring to the Legislature's attention another potentially deadly problem in rural eastern Ontario.

Walkerton has shown us that we have to be vigilant in maintaining high standards of water quality. In my part of Ontario I have watched as dead livestock have been removed from rivers that feed our water supply. Recently, livestock have been pulled from the South Nation River by the South Nation River Conservation Authority. This livestock had ID tags removed, and instead of being properly disposed of, were left in the river for someone else to worry about.

The dead stock collectors in eastern Ontario are in very serious financial problems. The market for animal by-products has gone through the floor and the collectors are finding themselves wondering about the future of their business. The Eastern Ontario Farm Recycling Association and other shareholders have repeatedly asked the government to provide assistance so the dead stock can properly be collected in a safe manner. The government's solution: another user fee.

This topic was on the agenda of the MPPs for eastern Ontario and wardens in Victoria county last Friday. Obviously, if they're finding dead animals in the water, the user fee isn't working. A lot of responsibility for collecting is falling on the conservation authorities. By some estimates, there will be 15,000 animals improperly disposed of this coming year.

CONESTOGA COLLEGE

Mr Ted Arnott (Waterloo-Wellington): On May 18, I was honoured to join the Minister of Training, Colleges and Universities, the Minister of Health and the members for Cambridge, Guelph-Wellington and Kitchener Centre to announce an historic SuperBuild commitment for Conestoga College. My constituents in Waterloo-Wellington are absolutely thrilled with the \$14.2 million in SuperBuild funding which will provide training for an addi-

tional 1,430 students who will prepare to work in careers including multimedia communications, health sciences and police, fire and emergency services.

This development is the latest in a series of major accomplishments by Conestoga president Dr John Tibbits and his associates. They have put Conestoga College on the map for performance standards such as job placement and private sector partnership. Dr Tibbits was inspiring in his persistence and leadership in bringing together support for this worthwhile investment. I was honoured to have worked with Dr Tibbits in recent weeks. I deeply appreciate the assistance provided by the Minister of Finance in this regard.

I also want to thank the Minister of Economic Development and Trade for the strategic skills investment for Conestoga College which we announced on April 20, which provided \$2.6 million for the new information technology training centre. More training for more students is good news for all of us. It means there will be more people with better skills building a higher quality of life throughout Waterloo-Wellington as well as Ontario.

WALKERTON TRAGEDY

Mr Dave Levac (Brant): I rise today at a very solemn time in our province. I want to offer to the families who have suffered the death of a loved one in Walkerton my heartfelt prayers. I know I speak for the entire Liberal caucus when I offer these feelings as a caring community. The people of Walkerton must know by our actions, our words and our deeds that they are in our hearts and that we will assist them in any way we can to help them travel this difficult journey they are on.

I pay tribute to St Patricks Elementary School in Brantford, which started a water bottle drive immediately and shipped this water to Walkerton. We all care.

This morning, I was on the phone with one of the many residents of Walkerton I have spoken to, to hear her story. They are in such a state. They are concerned about the health of their children. They are concerned about the health of their seniors. They are angry, and they are frustrated. They're confused. They need to know the answers to their questions. They need to know that they are listened to, not spoken about. They demand an independent inquiry. This is about the provision of safe, clean water that must never be taken for granted anywhere in the province.

I say with all my heart that some things are best left to the fully funded, publicly run system to provide for the people of Ontario. Safe, clean water is one of them. Let us commit to never allow this to be repeated again anywhere in this province. Again, I dedicate my prayers to the families in Walkerton that have suffered the loss of a loved one.

EDUCATION REFORM

Mr Rosario Marchese (Trinity-Spadina): My statement is on Bill 74, an act to change the Education Act,

one of the most draconian bills that has been presented in this House in a long time. I want to quote an editorial from the Toronto Star that speaks to this bill, I think, very clearly.

"Bill 74 is an unprecedented attack on basic legal protections that are supposed to apply to everyone What else can they be when after-school duties are mandatory 'on school days and on days during the school year that are not school days, during any part of any day during the school year, on school premises and elsewhere?'"

"This dictum would override 'any applicable provisions or restrictions in a collective agreement.'"

It says: "If a government can override teachers' contracts at will, what is the meaning of the sanctity of any contract? ... judges cannot serve certain orders without Education Minister Janet Ecker's permission."

It says, for example, "that a 'teachers' bargaining unit or members of that unit' can be changed without teachers having any say.... This bill ... makes Ecker a law unto herself, able to investigate school boards if she has 'concerns' and punish them if she 'is of the opinion' there's evidence—not proof—of disobedience."

What we have is an accountability deficit. What we need are hearings. What we need to do is hear from people. If you value democracy, you need to demand that.

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ECONOMIC DEVELOPMENT

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'm pleased to recognize the recent announcement made by the Minister of Transportation that will have a significant impact on my riding both for individuals and businesses.

Last Friday, May 26, Minister Turnbull announced the province will invest \$33 million in the development of a highway linking Highway 6, which is a major north-south corridor in my riding, to Highway 403 at Ancaster. The importance of a highway link to the 400 series highway network has long been recognized by area people and business leaders as a key driver of economic development. For instance, when the Premier's Task Force on Rural Economic Renewal visited Caledonia in my riding, which incidentally is less than 10 miles south of the Hamilton International Airport, the panel heard repeated requests for the province to accelerate plans to create this link to the 403.

I am pleased to report to the House and to my constituents in Haldimand-Norfolk-Brant that the Mike Harris government is listening and responding to their requests by fast-tracking this highway link, after years and years of study, in order to foster economic activity in southwestern Ontario and particularly in the Hamilton and Haldimand-Norfolk areas. People in the northern part of my riding, in areas like Hagersville and Caledonia, have told me that this highway link is a top priority for them.

I'm very proud to be part of a government that has delivered on this promise.

WALKERTON TRAGEDY

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise to address my concerns and my sympathy and support to the people in the Walkerton area who are facing an unprecedented situation with their contaminated water supply. As I indicated, like all members, I extend my sympathy and my support, and certainly I do so on the basis of representing a community in the Ottawa Valley that's very similar to Walkerton and that part of north Bruce county in southwestern Ontario. But on behalf of the people of Bruce county and the people of my area, and I suspect all Ontarians, we want answers; we need answers.

When talking to my constituents over the last few days, the question they have first and foremost is, "Can it happen here?" I'm sad to say on the basis of what I have been reading and what I hear from the Ontario Ministry of the Environment that we have very good reason to question the safety and the security of the water system of Ontario. We owe it to the people of Ontario, most especially those who have died in Walkerton and those who are sick, to get answers, to get all of the answers. Nothing short of a clear, independent inquiry is going to be an adequate response.

I want to say as one member in this Legislature, we'd better get a full, independent inquiry, because anything less is an insult to those who have died and those who are sick and is going to cause a great deal of upset in this Legislature and beyond.

CRIME PREVENTION

Mr David Young (Willowdale): Too often we learn that property has been vandalized in our respective neighbourhoods. We learn that someone we know has been threatened or assaulted and, worst of all, that a life has been taken in one of our communities. Though these crimes are serious in and of themselves, they are even more disturbing when they're committed close to home.

This government has led the fight against crime and has undertaken many community safety initiatives.

We have passed Christopher's Law, which created the first registry of sex offenders in Canada to prevent the victimization of women and children.

We have introduced community safety zones in which fines for traffic violations have been doubled, with penalties for individuals who commit these offences while fleeing the police.

We have hired more crown attorneys to ensure that the voices of victims of crime are heard in the justice system.

We have set new, tougher standards for parole and for the granting of early release.

As you know, Mr Speaker, we have repeatedly urged the federal government to eliminate conditional sentences

and to make some meaningful changes to the Young Offenders Act.

But at the end of the day, responsibility for crime and crime prevention lies largely within our own communities. Tonight I will be hosting a crime forum within the riding of Willowdale. Speakers will include my friend and colleague Mr Frank Mazzilli, the MPP for London-Fanshawe; the chair of the Toronto Police Services Board, Councillor Norm Gardner; and Staff Inspector Derek Neeson, representing the Toronto Police Services Board.

We are holding this meeting in an effort to hear from members of the community on how to best tackle the problem of crime. We're holding this forum to inform them about the true costs of crime and to provide effective strategies. Anyone interested in attending should feel free to come to the Greek Orthodox community centre tonight.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): If anyone in this province had any doubts about the consequences of the so-called Common Sense Revolution of the Harris government for the environment of Ontario, those doubts have been erased by the tragic and sad events in Walkerton. By slashing over 40% of the operating budget of the Ministry of the Environment and firing one third of the environment ministry staff, the people of Ontario have been put at risk of experiencing the same kind of unfortunate circumstances that are confronting the people of Walkerton this week, namely tragic deaths and hundreds of people dreadfully ill.

Specifically, as of December 31, 1996, the water and drinking water department staff was cut by 42%, with 48 staff having been let go. The groundwater and hydrogeology staff was reduced by 15, or 53%. The watershed management staff was reduced by 25% and the waste water staff by 33%. It is obvious that the Ministry of the Environment's staff is severely demoralized by huge cuts to staff and financial resources and is simply unable to respond adequately to the serious events and complex and widespread problems.

The Harris government has played chicken with the drinking water system in Ontario since taking office in 1995 and unfortunately, but predictably, the chickens have come home to roost.

How many people in this province would prefer to see the \$200 politically motivated public relations exercise of mailing cheques to Ontario residents converted to an investment in safe drinking water in Ontario? After the Walkerton tragedy, I suspect an overwhelming majority of Ontarians would make that choice without hesitation.

FUNDRAISING

Mr R. Gary Stewart (Peterborough): On the last night this Legislature sat before constituency week, May 18, the Leader of the Opposition retreated to his

hometown of Ottawa to do something he likes to pretend he never does: accept money from corporate donors at a fundraising dinner. Yes, our Premier also attended a fundraiser that very same evening in the same city and I'm sure that a good but responsible time was had by all at both events.

But while the Harris government's economic policies are straightforward, I wonder whether Mr McGuinty's corporate guests knew that his policies have taken a decided left turn since the last election. For example, Mr McGuinty appears to have abandoned his moderate 20-20 election platform. At a pre-budget news conference, Mr McGuinty's stand on tax cuts bore a strange resemblance to the NDP's tax policy in the last election. And he reached all the way back to Bob Rae's opposition days for his opposition to tax cuts for job-creating business and his use of the word "American" as a scare tactic.

At the Liberal fundraiser, Mr McGuinty's corporate benefactors heard a lot of talk about the future. If only they knew that it would be more of a case of back to the future.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present the report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill as amended:

Bill 69, An Act to Amend the Labour Relations Act, 1995, in relation to the construction industry / *Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.*

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

All those in favour will please say "aye."

All those opposed will please say, "nay."

In my opinion, the "ayes" have it.

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

ONTARIO NATURAL HERITAGE ACT, 2000 LOI DE 2000 SUR LE PATRIMOINE NATUREL DE L'ONTARIO

Mr Gilchrist moved first reading of the following bill:

Bill 78, An Act to ensure responsible and acceptable development and to protect the natural heritage of the Province of Ontario / *Projet de loi 78, Loi visant à assurer l'aménagement judicieux et acceptable du territoire et*

à protéger le patrimoine naturel de la province de l'Ontario.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Mr Steve Gilchrist (Scarborough East): This bill will not only incorporate some important elements that will freeze any new development on the Oak Ridges moraine, but will require the production of a long-term plan that incorporates all of the elements of the 1994 Oak Ridges moraine strategy. It goes beyond that, though, and provides a number of powerful measures to promote urban intensification and discourage urban sprawl all across Ontario. This bill will strengthen the protection of natural heritage not just in the Oak Ridges moraine, but for all the citizens in Ontario and will bring greater balance back to the planning process across the province.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: I'd like to move unanimous consent that we move Mr Gilchrist's bill right through to second reading.

The Speaker: I don't think under the standing orders we could do that, but—

Interjection: With unanimous consent we could do it.

The Speaker: I beg your pardon. What were you asking for again? Maybe you could repeat it. I missed that.

Mr Colle: That we give Mr Gilchrist's bill immediate second and third readings with unanimous consent right here today.

The Speaker: Is it the pleasure of the House—agreed? I'm afraid I heard some noes.

Introduction of bills? The member for Ottawa-Vanier.

Interjections.

The Speaker: The member is trying to introduce a bill, if the members would please co-operate.

CITY OF OTTAWA AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR LA CITÉ D'OTTAWA

Mrs Boyer moved first reading of the following bill / *M^{me} Boyer propose la première lecture du projet de loi suivant :*

Bill 79, An Act to amend the City of Ottawa Act, 1999 / *Projet de loi 79, Loi modifiant la Loi de 1999 sur la cité d'Ottawa.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

M^{me} Claudette Boyer (Ottawa-Vanier) : Ce projet de loi a pour but de veiller à ce que les services municipaux de la cité d'Ottawa soient fournis en français et en anglais dès le 1^{er} janvier 2001.

The purpose of this bill is to ensure that municipal services in the city of Ottawa will be provided in both English and French after January 1, 2001.

VISITOR

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd like to take this opportunity to welcome Mr Ken Monteith to Queen's Park today. Ken is a former member of Parliament from my riding of Elgin, and I'd just like to take this opportunity to welcome him.

The Speaker (Hon Gary Carr): I'm sure all members join in welcoming him.

DEFERRED VOTES

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

The Speaker (Hon Gary Carr): We now have a deferred vote on the motion by Mr Conway arising from the Speaker's ruling of May 18, 2000.

Call in the members. This will be a five-minute bell.

The division bells rang from 1355 to 1400.

The Speaker: Would the members kindly take their seats, please?

Mr Conway has moved that, in light of the Speaker's ruling that there's a prima facie case of contempt, the special report to the Legislature made on 26 April 2000 by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration.

All those in favour will please rise one at a time.

Ayes

Agostino, Dominic	Cordiano, Joseph	Marchese, Rosario
Bartolucci, Rick	Crozier, Bruce	Martel, Shelley
Bisson, Gilles	Curling, Alvin	McGuinty, Dalton
Bountrogianni, Marie	Di Cocco, Caroline	McLeod, Lyn
Boyer, Claudette	Dombrowsky, Leona	Parsons, Ernie
Bradley, James J.	Duncan, Dwight	Patten, Richard
Brown, Michael A.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Christopherson, David	Hampton, Howard	Pupatello, Sandra
Churley, Marilyn	Hoy, Pat	Ramsay, David
Cleary, John C.	Kennedy, Gerard	Ruprecht, Tony
Colle, Mike	Lankin, Frances	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George

The Speaker: All those opposed to the motion will please rise one at a time and be recognized.

Nays

Amott, Ted	Guzzo, Garry J.	Ouellette, Jerry J.
Baird, John R.	Hardeman, Ernie	Runciman, Robert W.
Barrett, Toby	Harris, Michael D.	Sampson, Rob
Beaubien, Marcel	Hodgson, Chris	Snobelen, John
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clark, Brad	Jackson, Cameron	Sterling, Norman W.
Clement, Tony	Johns, Helen	Stewart, R. Gary

Coburn, Brian	Johnson, Bert
Cunningham, Dianne	Klees, Frank
DeFaria, Carl	Martiniuk, Gerry
Dunlop, Garfield	Maves, Bart
Ecker, Janet	Mazzilli, Frank
Elliott, Brenda	Munro, Julia
Flaherty, Jim	Murdoch, Bill
Galt, Doug	Mushinski, Marilyn
Gilchrist, Steve	Newman, Dan
Gill, Raminder	O'Toole, John

Stockwell, Chns
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Tumbull, David
Wilson, Jim
Wood, Bob
Young, David

Interjections.

The Speaker: Order. There's plenty of time to debate without yelling across while we're taking a vote, I will remind the members.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 39; the nays are 49.

The Speaker: I declare the motion lost.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin question period, we have in the Speaker's gallery four interns from the National Assembly of Quebec. Please join me in welcoming our special guests: Philippe de Grandmont, Brigitte Massé, Sophie Choquette and Francis Gagnon.

ORAL QUESTIONS

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. Can you guarantee us unequivocally today that the drinking water right across Ontario is safe?

Hon Michael D. Harris (Premier): I can guarantee you that we are doing everything we possibly can to make the drinking water the safest in the world.

Mr McGuinty: You couldn't answer that simple, straightforward question in a straightforward, unqualified way. What that drives home for me, Premier, is the need for a full, independent public inquiry into our drinking water in Ontario.

Premier, I want you to understand that this is bigger than you, it is bigger than me, it is bigger than any member in this Legislature, it is bigger than all of us combined; it has everything to do with reassuring the people of Ontario when it comes to the safety of their own drinking water. I believe that we together now have a very heavy debt. We owe it to the five people who died, we owe it to their families, we owe it to the thousand who were infected by E coli, we owe it to the entire community of Walkerton and indeed we owe it to all the people of Ontario. I ask you on their behalf, Premier, why will you not consent to a full, independent public inquiry?

Hon Mr Harris: I think we've all agreed that what happened in Walkerton is a tragedy. Clearly, our thoughts are with the families in this community and with

everyone who is struggling to cope with these tragic events. Last Friday I pledged to the people of Walkerton that all necessary resources of the government would be given to help, first to solve the problem and then to the rest of the communities in Ontario to take all steps to ensure safety, and then I committed that we would do everything possible to get to the bottom of this. We have now four separate inquiries, two of them full-blown public inquiries with the Legislative Assembly and of course with the coroner. The reason for this is so we can quickly get to answers for—

Interjections.

The Speaker (Hon Gary Carr): Would the Premier take his seat. Order. We're not going to start off this day and I cannot continue on, as I've said on numerous occasions, while you're yelling across. Under the circumstances, we've got a very controversial issue. Opposition members will have to understand that the people of the province also want to hear the Premier's answer, even if the opposition doesn't agree with it. It's a very controversial issue, but people need to hear both sides of the debate. I'm going to be very quick to name members and throw them out today, because we can't have a situation where a question is asked and the members try to shout down the person answering. It just won't happen.

Hon Mr Harris: As I was indicating, our commitment is to get the answers for the people of Walkerton and indeed for this Legislature and all of Ontario absolutely as quickly as we can. The history of the kind of public inquiry you want is very, very slow. So we think the coroner's inquest, the OPP investigation, the environment investigation and the legislative committee all can get under way right away, rather than waiting months and sometimes maybe years.

Mr McGuinty: Premier, all of this tells me you're not interested in a cleanup of our water; you're interested in a cover-up. That's the direction you're taking. If you were genuinely committed to getting to the bottom of this, you would stand up in favour of a full, independent public inquiry. That's what the people of Walkerton deserve. We should have our House leaders meet right after question period today. They should get together, decide on the terms of reference and decide together on who we're going to put in charge of this inquiry. Let's get this show on the road. That's what we should be doing here, together. That public inquiry should leave no stone unturned. They should conduct a thorough review of our water delivery system in Ontario and do everything we can to find out what is going wrong wherever and to make sure we correct that. This is bigger than political damage control, it is bigger than political sensitivities. If your government has some responsibility, as I believe it does, you'll have to deal with that. If previous governments have responsibility, we'll have to deal with that. But this is bigger than all of us, and the only way we can get to the bottom is through a full independent public inquiry. Why can't we have one?

Hon Mr Harris: I think it's very important for the people of Walkerton and it's important for the public to

know that what you're asking for is a process. For example, when we had tainted blood, in November 1992 standing committee hearings began. In 1985 they knew about problems. In October 1993 the public inquiry, the Krever commission, began, and because of the rules of what you're calling for, hearings began five months later and four years later they reported. We can't wait five months. We don't want to wait five months. We'd like the legislative committee to begin now. We don't want to wait four years for recommendations.

There is absolutely no reason why a legislative committee cannot begin sitting now, cannot begin getting to the bottom of this right now. Our goal is to get to the bottom of this as quickly as possible and I'm disappointed that you as a legislator don't want to accept that responsibility with us to get to the bottom of this.

1410

The Speaker: New question.

Mr McGuinty: My new question is for the Premier. I want to remind the Premier of what he and his caucus just voted against. This government was caught with their hand in the cookie jar when it came to the privacy laws here in Ontario. They were then caught trying to cover that up, and now they're trying to sweep this matter under the carpet and they're asking us here today to have confidence in their legislative committee. Give me a break.

The only way we're going to be able to deal with this matter, and you know it, Premier, and the people of Walkerton know it and the people of this province know it, is through an independent inquiry: one that operates at arm's length from all the politicians in this Legislature—and I emphasize that—all the politicians in this Legislature. I believe that is what we must do at a minimum because it's in the public interest. I ask you again, Premier, in the public interest, why can't we have a full, independent public inquiry?

Hon Mr Harris: I am disappointed that the member doesn't seem to want to engage in his responsibility as a legislator and feels that he can't. We on this side of the House feel that we can have a full and public inquiry with a legislative committee. I am surprised that you don't consider the OPP independent. I think that's shocking. I'm surprised that you do not consider the coroner, with a full inquiry and all the powers he has, independent. I find that shocking as well. I am shocked—

Interjections.

The Speaker: Premier take his seat.

Premier, sorry for the interruption.

Hon Mr Harris: I am shocked that you do not want to accept your responsibility and have your members participate as quickly as possible so we don't have to wait months and months to begin, as is the case with public inquiries, or even years to report. We happen to think that what happened in Walkerton—

Interjections.

The Speaker: Premier take his seat. The member for Ottawa Centre, last warning; the member for Hamilton East, his last warning as well. Premier.

Hon Mr Harris: We happen to think that the tragedy in Walkerton and the goal of ensuring safe water require immediate action and that's why we're proposing immediate action.

Mr McGuinty: Let me be perfectly clear: I trust the coroner, I trust the OPP, but I don't trust you and your committee to conduct a self-investigation. It is already a matter of public record that ministry officials didn't do what they were supposed to do under the terms of their own guidelines and objectives.

Premier, when we talk about this committee of yours, it's a kangaroo committee. It is dominated by Tory members. The guy you have put in charge is a disgraced minister who was convicted of tax evasion. That's what you're talking about here, and you think that is going to inspire confidence in us and the people of the province of Ontario? Why not do the honourable thing in this matter and hold a full, independent and public inquiry?

Hon Mr Harris: Let me thank the very, very honourable member for his question and the tone and the way he phrases it.

Let's get to the heart of the matter here. The legislative committee is clearly the quickest and the fastest way—all-party, with independence from the Ministry of the Environment. I don't think there will be any Ministry of the Environment officials who will sit on the legislative committee; in fact, they will be asked to appear and come before it.

Let me give you a record of another royal commission of inquiry, this one a provincial one into the Niagara Regional Police force. This one was commissioned March 25, 1988, and it reported over five years and one election later. We're not interested in waiting five years and an election to get to the bottom of this. We want to start today, and I encourage you to have your members participate with the members on this side of the House, who are anxious to get all of the facts out in the open in as clear and upfront a way as we can, just as I committed to the people of Walkerton.

Mr McGuinty: Premier, you are overlooking the example of Mr Justice Estey's inquiry that looked into a strike and a disturbance that was held just outside this building. That work was begun and completed within a time frame of six months. The bottom line is, if there is a will, there is a way. I am convinced that our three House leaders can get together. We can put in place specific terms of reference, we can put in place a start date and an end date, and we can have this committee travel throughout the province and provide reassurance to the people of Ontario that we're doing everything we reasonably can to look out for their interests when it comes to their drinking water.

Premier, you don't seem to understand. Today, people in Ontario are looking at this stuff and asking questions—they haven't done that since the early 1900s—because of some tragedy that unfolded on your watch. Once more, on behalf of not only the people of Walkerton but all the people of Ontario who have had their

confidence in their drinking water shaken, I'm asking you, why can we not have an independent public inquiry?

Hon Mr Harris: I really am disappointed that you have so little regard for the legislative process and for the ability of the independent members of the Legislature—

Interjections.

Hon Mr Harris: I want to say that it saddens me that you want to prejudice—

Interjections.

The Speaker: Would the Premier take his seat. The members will know that the more they act up, there are fewer questions. The people want to hear questions and answers and, quite frankly, we can't continue. There are going to be fewer questions on for all members as a result of it because we are not going to continue. As the members will know, more questions asked is what the people of this province want. But we can't continue, and if I have to stand up here for the entire remaining 47 minutes we will do that, because we are not going to continue with shouting across at each other on both sides. It's just not going to happen.

Premier.

Hon Mr Harris: As I say, it saddens me that there's so little confidence in the legislative process, in the committee and the powers that it has. To prejudice the committee is very, very disappointing to me in a government that has been the most open in the history of this province.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): My question is to the Premier and it too concerns the safety of Ontario's water supply. All over Ontario people are alarmed at the safety and security of our water supply, and the sad fact is, because of your government they have reason to be alarmed. In 1996, the environment—

The Speaker (Hon Gary Carr): I'm sorry to have to interrupt. The Minister of Labour and the member for Renfrew-Nipissing-Pembroke can't continue on with the conversation. Quiet conversations I don't mind. The leader of the third party is—

Interjection.

The Speaker: Just a moment, please—trying to ask a question, and when people are shouting across it interrupts his flow. I'm doing it to help the leader of the third party and I would ask the members to stop shouting across at each other. It is now the leader of the third party's time. We are going to start over at the beginning of his question. He can start over because of the interruption.

Mr Hampton: In 1996, the environmental commissioner said you should implement a comprehensive groundwater strategy to protect our water. You failed to do that. You promised a system of water-taking permits to protect the security and safety of our water and the ecosystem. You failed to do that. In 1998, there were 3,300 violations of the water pollution discharge standards in the province and you prosecuted only one of

them. What happened in Walkerton is tragic, but it's apparent that the problem of water safety is a problem that extends across the province.

Premier, you and your government have an obligation to protect that water supply for all the people. Will you call a royal commission with tight timelines so that we can investigate the safety of the water supply across the province and also your government's capacity to protect it?

Hon Mr Harris: I know we have a request for a public inquiry and now a request for a royal commission. We have four inquiries underway today to deal with what I think we would all agree is a very serious issue.

1420

I think it's been very clear. We've been very upfront and we're making all the information available and we've asked all the officials who knew what to make the information available. We have said that to the OPP, we've said that to the Ministry of the Environment commission that is looking at this, their report, and as well we'll make the same request of course to the coroner's commission. Both the coroner and the legislative committee are public, and they're full-blown and have full powers of subpoena. We are making it very clear that in this referral we would like the work to start right away and we'll make all the information available. I think it's the quickest and the fastest way to get to the bottom of what happened in Walkerton and—

The Speaker: I'm afraid the Premier's time is up. Supplementary.

Mr Hampton: I don't think you appreciate the enormity of this. In Walkerton your Ministry of the Environment officials broke the law. They were notified of the contamination of the Walkerton water supply. Under the law, they were supposed to inform the medical officer of health. They didn't.

The province used to have an agreement with Ottawa for the protection and cleanup of the Great Lakes water supply. You let that die. You failed to release the most recent water quality test results for all municipal drinking water systems across the province. You haven't told the public which water treatment plants have outstanding orders against them from the MOE. This is clearly a problem that extends across the province.

Your so-called legislative inquiry can't begin until after the OPP investigation, the Ministry of the Environment investigation, the coroner's inquest. It can't continue when the House isn't sitting and it has to stop whenever there are legal proceedings. Your so-called review probably won't get underway for at least four or five months, and even if it gets underway, it's going to be delayed and delayed.

What we want is a royal commission to look at the safety of the water supply across this province. We can put together a royal commission with tight timelines, one that isn't going to be ridden with delay. Do you care about the safety of the water supply across the province? If you do, appoint the royal commission now and let's get underway.

Hon Mr Harris: Of course we care and of course we're doing everything we can to get to the bottom of this. I'm a little surprised, though, that you, like the Leader of the Opposition, don't have any confidence and debunk the work of the legislators on our committees. To suggest that they have to wait to start is erroneous. It can start tomorrow. There's no reason why this referral to the committee cannot begin. If you think there is some impediment, I'm sure with co-operation we can clear that up. There's no reason for the committee not to begin now. There is no reason for the committee not to carry on. Whatever reason there is why a committee not be able to proceed, if requested by the OPP or if there is an injunction because of any court cases, it would be an identical intervention or injunction that would hit a royal commission. As you know, there have been commissions of inquiry and royal commissions that have had to cease aspects because of damage it was felt they might do to the legal process.

Right now there are no charges out there. There is an investigation. I think we would have to be careful—

The Speaker: Order. I'm afraid the Premier's time is up. Final supplementary.

Mr Hampton: Premier, because of your government's cuts to the Ministry of the Environment, because of your downloading, we know that there are 46 communities identified in the last drinking water surveillance report as having exceeded health-related parameters. That's how widespread this problem is. There are more than 600 municipal waterworks in Ontario. Your drinking water surveillance program only checks 175 of them; 175 are checked and 46 are found to be over the limit. That's how widespread this is.

What you're going to provide the people of Ontario is simply a legislative committee dominated by Conservative members, the same Conservative members who cheered when all these cuts were made, who cheered when the technicians, the scientists and the inspectors were laid off at the Ministry of the Environment, who cheered and said that when your Red Tape Commission came in and called for getting rid of 50% of the environmental regulations, they thought that was a great idea.

The same people who presided over this disaster you now want to have in charge of the hearing. This is much bigger, much more widespread than you are prepared to admit. The only way to ensure the safety of Ontario's water supply and to ensure that your government is prepared to take that role seriously is to go to a royal commission and do it now.

Will you name a royal commission? We can prepare tight timelines. Let's assure the people of Ontario that your government is going to protect their water supply.

Hon Mr Harris: I can assure you that the members on this side of the House will be fully co-operative on the committee, ready to start now and ready to get all the answers. I'm not aware of the details which you present. Normally, that information that comes from you is not very accurate, but in this case maybe it is. I have no way

of knowing. If you would like to get those questions to the Minister of the Environment, he may know the technicality of some of the questions that you have. I'm sure he'd be happy to answer them and he'd be happy to appear before a legislative committee.

Those are all matters that should be looked at so we can sort out what is totally irrelevant and has nothing to do with the Walkerton situation. I think it's already been demonstrated the procedures in place were sound. There appears to have been some human error. There appear to have been some facts withheld by individuals. But to date, there's not a shred of evidence that there isn't enough staff, nor a shred of evidence that the procedures and the regulations, if they were complied with, would not have prevented this tragedy. That's how it appears to me.

The Speaker: Order. I'm afraid the Premier's time is up. New question. Leader of the third party.

Mr Hampton: Premier, let me give you some other reasons why we need a much broader based royal commission. As early as last September, the person who blew the whistle on Walkerton's dirty water problem warned about water contamination due to manure from factory farms. Your government did nothing about that.

Dr Murray McQuigge alerted Bruce county council to water pollution from factory farm manure. He wrote, "There have been studies that show downstream pollution by antibiotic-resistant bacteria." That alone ought to send shivers down everyone's back.

The counties of Bruce and Huron combined have over 500,000 hogs being raised. There's a huge farm with 2,500 hogs creating tons of manure just outside of Walkerton. The problem in Bruce county is so serious that officials have put a hold on further factory farms.

These are the issues, Premier, that are contributing to everyone's concern about the quality of water supply.

Will you appoint a royal commission so that these issues can be looked at in relation to what happened at Walkerton and the other problems that are already starting to emerge in the water supply across the province? You've got a chance to get out in front of this and prevent serious damage from happening elsewhere. Will you do that?

Hon Mr Harris: I appreciate the question. It does point to an area of concern. We do work proactively to minimize the risk through nutrient management. I need to remind everybody that existing environmental laws apply equally to everyone, including farmers. They are not exempt from provincial environment legislation.

Specifically to intensive farming, we initiated a consultation to seek input from stakeholders on the various issues related to this. It was chaired by Doug Galt, the parliamentary assistant to the Minister of the Environment, and Mr Barrett, the parliamentary assistant to the Minister of Agriculture. We're working with local farm groups to develop the best practices. They have reported to the minister and it will be brought forward to cabinet.

Rather than wait for a royal commission, we've been doing this now for a number of years and in fact inten-

sively in the last number of months. I appreciate the member's interest. We're hopeful we can bring something forward to the Legislature long before a public inquiry could even begin.

1430

Mr Hampton: The Premier refers to the task force. Yes, you held a task force. You virtually held the meetings in secret. The report you refused to make public. That's part of the problem. That's why we need a royal commission to look at these issues.

Premier, an American study shows manure as a main source of surface and groundwater pollution. A pig farm with as many as 3,000 pigs produces the same amount of manure as 15,000 people—three times the size of Walkerton—and yet you have, in the two combined counties, 500,000 head of hogs. That's what people are worried about. You did a task force; now you refuse to release the results—another reason why we need a royal commission.

This problem is much bigger, much more widespread than your government is prepared to let on. A royal commission can be done with tight time frames. It doesn't have to wait until the Legislature is not sitting this summer, it doesn't have to wait for the coroner's report, it doesn't have to wait for the OPP report and it doesn't have to wait for your Ministry of the Environment to make yet more mistakes. It can begin its work right now.

What do you have to fear, Premier? Why won't you act on behalf of all those Ontario citizens who are concerned about our water supply and want something done about it? Why won't you name a royal commission?

Hon Mr Harris: As I indicated, we have been acting in advance of this. It's important for people to understand that I don't think there's any evidence, that I'm aware of, of intensive farming playing any role at all in the Walkerton situation. In fact, nobody has made that allegation; there's no intensive farming in proximity of any of the wells. I think it's important people understand that. But it is an important issue, which is why we've moved on it long in advance of Walkerton and long in advance of a royal commission. As I indicated, their joint report has been filed with the minister. He is planning to bring forward legislative options to cabinet colleagues this spring. So rather than wait for a royal commission, I hope we can deal with this matter, which has nothing to do with Walkerton but has to do with groundwater and has to do with a very serious concern, independently, much sooner than waiting for an inquiry.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): I have a question for the Premier. Yesterday, Premier, you said, "The recommendations that we accepted for the Ministry of the Environment were to provide better service, and at no time was any single individual downsized in the Ministry of the Environment, at no time was any person downsized in a way that should have affected the delivery of any services of the Ministry of the Environment." Can

you tell me, Premier, if that is so, why the Ministry of the Environment has been secretly developing defences against exactly the kind of suits that may be forthcoming in Walkerton.

"The Ministry of Environment, worried that it is vulnerable to civil lawsuits alleging lax enforcement of environmental rules, has developed secret legal defences against claims of regulatory negligence, according to documents obtained...."

The memo is written by Sheila Willis, an assistant deputy minister, to Jack Johnson, then the top legal official in the ministry.

"The action was based in part on worries that staff layoffs have compromised the ministry's ability to fully enforce the regulations for which it is responsible, according to another document written by Ms Willis."

Could you tell me, Premier, if you were so confident in your answer yesterday, why you're secretly developing legal defences in situations where it would appear that cuts in staff would cause negligence in the Ministry of the Environment?

Hon Michael D. Harris (Premier): I'm not aware that the Ministry of the Environment—I would assume that there are probably going to be lawsuits and I would assume that the town of Walkerton, the Ministry of the Environment and other officials are looking at whether there would be lawsuits.

I was asked yesterday, I think by you, or by one of your colleagues, about any reductions we made to personnel or budgets of the Ministry of the Environment. Clearly it was our intent to get better service, better quality, more efficiently and more effectively. That's what brought this province out of bankruptcy. That's what allowed this province to survive, for there even to be a government today. That was our intention. If you are alleging, as some are, that through any of those changes any safety has been compromised, certainly it was not our intent. I would hope that is not the case, but if that's something you would like to bring to the legislative committee, let's get started.

Mr Bradley: I'm going to bring it to the House this afternoon because the Premier had said something that is clearly contradicted by secret documents in the ministry. "Ms Willis said she wanted the changes because of the large number of alterations being made to Ontario's environmental regulations by the Progressive Conservative government.

"Ms Willis instructed the ministry's legal staff to develop what she called a 'policy exemption defence' against this regulatory negligence."

Under this approach, governments can free themselves from liability by having formal policies outlining the regulations they will enforce and their priorities, given the constraints they face. According to one of the documents, the ministry has identified the need to have defences against regulatory negligence in about 75% of functions, including initiatives that are supposed to ensure air quality, surface and groundwater quality,

proper waste management, the quality of drinking water and the safe use of pesticides.

Mr Premier, how on one hand can you say those cuts have had no consequences, while on the other hand you have internal documents that are developed as a defence against your government, knowing full well that those kinds of cuts will bring about negligence complaints and perhaps legal proceedings against your government?

Hon Mr Harris: As long as there is opposition, there will be complaints. I know that not everybody will be 100% happy with every decision to take this province from bankruptcy to a solid financial footing. I understand that.

I think what you're referring to is about a three-year-old memo, but I'm not sure; you haven't shared it with me. But if you would agree to get on with a legislative committee and you think that information should be shared, then we're happy to share all of that information and anything else the ministry has.

EMPLOYMENT STANDARDS

Mr John O'Toole (Durham): My question is to the Minister of Labour. As you know, it's nearing the month of June and soon the high school students, university students and of course the college students in Ontario, indeed at Durham in my riding, will be out looking for summer jobs. A few weeks ago I asked you a question with respect to workplace safety, and today I'm concerned about employees and employers with respect to aspects of the Employment Standards Act.

Most of the questions arise out of a general difficulty of understanding the act itself. Minister, are you looking at steps to review the Employment Standards Act, and could you report that to the House today?

Hon Chris Stockwell (Minister of Labour): Yes, as a matter of fact, we are. The Employment Standards Act established the workplace standards in Ontario and sets ground rules for employers and employees, ie, hours of work, minimum wage, termination of employment. The bill was originally enacted in 1968—I'm sorry?

Interjection.

Hon Mr Stockwell: OK. Talk to me later about that.

It's piecemeal and hard to understand. First, we'll meet the Blueprint commitments about greater flexibility in designing work arrangements, and then we'll implement an up to 10-days-a-year, unpaid, job-protected family crisis leave as well.

In addition, we'll make the ESA less complex and easier to understand.

The Ministry of Labour is currently putting together a white paper that will be released this summer and we will tour with that white paper to get input from employers and unions and the employees. That plan is to move forward as quickly as we can in hopes of getting a full complement of input from all sectors in society.

Mr O'Toole: Thank you very much for that engaging response. I'm looking forward to receiving a copy of the white paper and sharing it with my constituents.

As you mentioned, I think for the Ontario people it's important that you recognize the changes in the workplace itself, changes you've mentioned here in terms of flexibility in the workplace. I specifically like the reference to the crisis leave. I think that's a very insightful addition to the Employment Standards Act which, as you said, needs to be updated.

The employment standards are especially important as they set out the standards for work and employees across the province. Minister, what plans—I guess you've kind of answered this—do you have to consult with stakeholders and potential changes to the Employment Standards Act and reform?

Hon Mr Stockwell: Obviously we're going to consult, as we have shown a propensity to do in the last number of years, with the communities at stake: the employers, the employees and the unions.

I have spent a lot of time talking to the union leadership about what we need to do to create an update of the Employment Standards Act. In fact, some in my own caucus suggest that I've spent too much time consulting with the union leadership.

The Future of Work in Ontario discussion paper was written by Mr Flaherty and released in 1998. It posed broad questions about what workplace parties perceive as the most important changes. We will consult with stakeholders, employers, unions and of course the member for Kingston and the Islands. We will listen to anyone who has concerns or suggestions. We plan on travelling throughout this province. We want to take meetings to anyone who has an opinion or a concern and we're committed to making sure that all voices will be heard before any legislative change is done.

Also, every side on this discussion agrees that the Employment Standards Act is outdated, it's ambiguous and it's got double meanings throughout. We plan on making those changes and bringing forward a good bill to recommend to this Legislature in the fall.

1440

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. Just a few minutes ago, in response to a question by the leader of the third party, who he was talking about the Walkerton tragedy, you said, "The procedures in place were sound." One thousand people were infected by E coli, five people died and you say, "The procedures in place were sound." Your minister rushes yesterday at breakneck speed into the media studio and announces that he's changing the law in Ontario because it wasn't right in the first place, but you say, "The procedures in place were sound."

Now you expect us to have confidence in your Tory-dominated committee to deal with this important matter of public interest. It seems to me, Premier, like the fix is in. It seems to me you've already made up your mind; you've already acquitted yourself and your government of any wrongdoing, any responsibility in this matter.

Once again I ask, therefore, on behalf of the people of Ontario, why can't we have a full, independent public inquiry?

Hon Michael D. Harris (Premier): Very clearly, from the evidence we have seen so far, if the procedures that were in place under your government and then modified under the NDP government and accepted by our government had been followed—and I think that has been verified by the medical officer of health—in fact this tragedy need not have taken place. If there is a procedure that you believe should have been different, we'd welcome that today, in fact, if we can change it. What the minister indicated yesterday was that these procedures that look like they were not followed must be followed, and to give them more force of law. But there's nothing more forceful than, "This is what you're supposed to do, and if you don't do it you're held accountable both in public and in private."

Interjections.

Hon Mr Harris: Clearly, the evidence suggests, as you're shouting and yelling back at me, that some people didn't follow the procedures. We're very concerned about that. We want to know why and how to prevent that in the future. That's why the minister repeated those procedures more forcefully yesterday.

Mr McGuinty: Your government no longer has any credibility on this issue. Now you want to foist this off to a legislative committee that is controlled by the Tories. Just so the public understands what we're talking about here, that means you control the witnesses, you control the documents that are brought forward, you control the time allotted for this committee work, you control where we travel to, you control the staffing, you control the budgets and you control every single vote, Premier. How can you expect us to have confidence, how can you expect the people of Walkerton and the people of Ontario to have confidence, in that kind of process? The only right thing to do here, Premier, and you know it in your heart of hearts, is to have a full, independent public inquiry.

Hon Mr Harris: I think the member knows there are many unanswered questions. What we do know—

Interjections.

The Speaker (Hon Gary Carr): Member for Windsor-St Clair, last warning; member for Sudbury, last warning; member for Kingston and the Islands, last warning; and member for Scarborough-Rouge River, last warning. If it continues, you're all out.

Premier.

Hon Mr Harris: Thank you. There are many unanswered questions. What we do know is that testing was done. We know results were reported but were not broadly shared, as they should have been, as the procedures outline. We want to know why the lab results were not shared, as procedures require, why there were delays in notification, and clearly a breakdown seems to have occurred. Errors of judgment appear to have played a role—

Interjections.

The Speaker: Stop the clock. I warned the member for Hamilton East. I have no alternative but to name him and ask him to leave the chamber. I'd ask Dominic Agostino to leave the chamber, please.

Premier.

Mr Agostino was escorted from the chamber.

Hon Mr Harris: Clearly, errors in judgment appear to have played a role, perhaps at many levels of government. We need to know how this happened. We need to know how to prevent it from ever happening again. That's what our inquiries—

Interjections.

The Speaker: Premier take his seat. This is a warning for everybody now. We can't continue to go out one at a time. Any more shouting across and they're going to be named and we'll do it if there's three or four. If we end up with just the pages and the Sergeant at Arms in here, that's the way it's going to have to be. We can't continue. We've had numerous warnings to people, one person thrown out and we can't just continue to have shouting across. This is a warning for the entire official opposition: any more shouting like that where you shout him down—I've said on a number of occasions that heckling is fine. I've used the example of the member for St Catharines and the Minister of Labour. You can do it, but you can't do it with the only intention of shouting down the other side. It can't happen in question period.

Quite frankly, we're one of the few democracies that has a question period where you're allowed to have the government held accountable with question period. If you're just going to yell and scream—the people of this province don't want to see a Speaker up here. They want to hear questions. You won't always agree with the questions or the answers, but that's our system. An entire warning to the official opposition, and if I have to name everyone, I will do it. Premier.

Hon Mr Harris: I think clearly we all agree. We need to know how this happened and how we can prevent it from happening again. That's what our four inquiries will provide. To prejudge the legislative committee before we've even got it up and running, and to suggest that this government, which has been forthcoming with all the information that we can, has any motive other than to get to the bottom of this—

Interjections.

The Speaker: Premier take his seat. The member for Essex—again, I warned everybody—I'm afraid I have no alternative but to name him and ask him to leave as well. I ask the member, Mr Crozier, to please leave.

Mr Bruce Crozier (Essex): Speaker, you didn't name me yet.

The Speaker: I'm naming you now; I just did. I may not have done it in the correct way, but I am naming you.

Mr Crozier: You're just about as democratic as those guys.

The Speaker: Order. That's not going to be helpful. I warned the member.

Mr Crozier: That was the first comment I made.

The Speaker: We had a situation where I said everybody was put on warning.

Interjection.

The Speaker: Order.

Mr Crozier was escorted from the chamber.

The Speaker: We're dealing with a very controversial issue. It's tough enough dealing in here. But we cannot have situations where people begin to shout immediately when the question is asked.

Mr Dwight Duncan (Windsor-St Clair): Point of order, Mr Speaker.

The Speaker: Point of order, the member for Windsor-St Clair. Keep the clock running, please.

Mr Duncan: Mr Speaker, the rules of decorum in this House are not specific with respect to warnings and so on. It is clearly within your purview, sir, to name members when you believe decorum's been violated. The official opposition, however, has to seek your advice with respect to how we deal with a situation. Let me put it to you specifically.

Yesterday's motion that was passed by this House calls for this committee to meet immediately. Then it goes on to say that it can't meet unless certain other things—police inquiry, coroner's inquiry. The problem the official opposition is having with your naming our members is the absolute frustration we're feeling at having issues stonewalled. Your very own *prima facie* case of contempt of this Legislature was voted down a mere half-hour ago. How can we have confidence in this House and in this government if you won't allow us to use whatever means are at our disposal—

The Speaker: It's not a point of order. The member will take his seat. The situation is very clear. The Speaker has the responsibility for keeping order in this House. It is sometimes very difficult to do that, particularly with controversial issues, but I guarantee everybody in this House, order will be maintained or members will be made to leave. That's a very simple rule. If you behave in here, you can carry on. I've let questions go on here that are extremely aggressive, very forceful. The member's own leader asked very tough, forceful questions. That's perfectly in order. What is not in order is shouting down the other side. The people of this province want to hear answers and questions. We don't always like the answers or the questions. Quite frankly, we have probably ticked down time while you were doing the point of order. People don't want to hear us arguing over points of order. They want questions and answers. I have one duty in here. That duty is to maintain order, and I will do that.

Premier, I believe you were finishing.

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Hon Mr Harris: By way of conclusion, let me say that we all want to find out answers to these questions—those that have been asked by the opposition today, those asked by the people of Walkerton, those asked by the media and those asked by Ontarians—and I think to prejudge the committee process is the wrong way to go. The evidence of what we have offered by way of four inquiries now, including an all-party legislative inquiry—

and I suggest to you nothing is easier than saying, "Oh, we'll turn it over to a judge and let him take whatever time he wants to take and hire all the lawyers and away we go," but I think that's an abdication of our responsibility as legislators. I ask all members, including the opposition members, to begin, have the committee sit, get started and get on with this legislative inquiry of this issue that we all agree is very serious.

GRAPE AND WINE INDUSTRY

Mr Bart Maves (Niagara Falls): Let me say at the outset that my question will be for the Minister of Consumer and Commercial Relations. But on behalf of my community of Niagara—Niagara Falls, Niagara-on-the-Lake, Thorold and several other areas—let me pass on our deepest sympathies to the people of Walkerton and let them know that in my community our prayers and thoughts are with all of them.

Minister, I know that you have just returned from meeting with officials from three European Union countries regarding the problems Ontario has been having forever exporting our wines to these countries. This is a very important issue to the people of Niagara Falls and Niagara-on-the-Lake. Could you please tell me how these meetings went and what kind of response you've received from the European Union countries?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I thank the member for Niagara Falls for his opening comments and his interest in this subject. I think I would describe the visit in one word: helpful. It was helpful for both our representatives and the officials we met throughout the European Union. I think there is a great deal of misunderstanding with respect to the stances that we have taken on a number of issues of concern to EU members, and certainly I don't think that they appreciated the depth of the imbalance with respect to the trade relations between our countries. Currently, the Liquor Control Board of Ontario is selling approximately \$350 million of wine products from European Union countries, and Canada—especially Ontario—producing world-class products, is virtually denied complete access to their markets. This is a blatantly unfair situation which cannot continue to exist. We delivered that message in no uncertain terms and at the same time had the opportunity to explain and address some of their concerns.

Mr Maves: Thank you, Minister, for the answer. I appreciate you making the trip and your efforts on our behalf. I know that the people of Niagara appreciate you taking the initiative to stand up for winemakers and grape-growers in Ontario.

With trade of course being a federal jurisdiction, I and many people in Niagara region have been extremely disappointed with the lack of action from the federal government on this front. I thank you for leading the charge. However, I must ask, is there light at the end of the tunnel for Ontario's winemakers and grape-growers?

Hon Mr Runciman: I think one of the most distressing meetings we had during our visit was with other representatives of New World wine-producing nations who indicated the situations that they're facing in terms of access. All of them, with the exception of Canada, have virtually open access to EU markets while at the same time purchasing very little product in comparison to the LCBO. So it's a very difficult situation to understand, let alone accept. One example is the artificial barriers put in place for the outstanding ice wines produced in Ontario. They have placed a barrier of residual sugar content on our product while allowing producers within the EU to sell that product to other markets—a totally unfair situation.

I think we did make some headway. Certainly we indicated that, as Canadians, we are patient people, but our patience is wearing very thin on this issue. I think there is some light at the end of the tunnel. We're looking for some movement, some progress in the next six to 12 months. If it doesn't occur, we'll have to consider our options.

MINISTRY OF THE ENVIRONMENT

Ms Marilyn Churley (Broadview-Greenwood): To the Minister of the Environment: Environmental Commissioner Eva Ligeti warned you, in 1997, when she said, "Government cutbacks have compromised environmental protection in the area of drinking water testing," and warned that if we don't want to see dead bodies, then safeguards need to be implemented. Well, tragically now we have dead bodies.

Minister, yesterday you announced new regulations to help safeguard our water. Dr McQuigge, the medical officer of health, said last night, as well as myself and others, that if you don't put the resources back into the ministry, then those regulations are not worth the paper they're written on. I'm asking you now to stand up in this House and say you will demand that the \$100 million that you took out of the environmental budget over the last five years will be put back immediately, and front-line staff hired so they can protect the drinking water of this province so we do not have any more dead bodies as a direct result of the cuts and the deregulation and the downloading and the privatization of your government.

Hon Dan Newman (Minister of the Environment): There are safeguards in place to protect the drinking water for the people of Ontario. What I announced yesterday was bringing this into the force of law through a regulation. What it would require is laboratories that are going to test will now be required, via regulation, to be certified labs. That's what is important.

The regulation that is being drafted will also include certificates of approval for those water facilities. They are all going to be reviewed and then be reviewed on a three-year basis, which is very important.

The regulation also deals with the Ministry of the Environment being notified of any change in labs on the part of any of the water facilities in this province.

Ms Churley: Minister, the more you and your Premier answer questions today in the manner that you have, it becomes increasingly clear that you don't know what the hell is going on over there. I am telling you today—

The Speaker (Hon Gary Carr): Order. I wish the member would not use language like that.

Ms Churley: I withdraw that.

You don't know what's going on out there. We have five people dead. Expert after expert has told you that there is a problem with your cuts. You now have slashed the provincial water protection fund by over \$100 million and you planned to cut it entirely this year. That is just one example.

You don't seem to understand the enormity of the problem we have before us. I am asking you again to admit that there is a direct relationship between the tax dollars we pay and the vital services that government is supposed to offer, that in some cases can mean the difference between life and death. Will you finally get it and put the resources back in the Ministry of the Environment so that the people of Ontario can feel when they pick up a glass of water to drink that they're safe and they aren't going to die?

Hon Mr Newman: Again, the situation in Walkerton is a very tragic and unfortunate situation that everyone is dealing with.

The member raises the issue of the provincial water protection fund. This government had a fund of \$200 million that was to be spread over three years. We accelerated that money so that municipalities across this province could have access to those dollars. It was to be over three years; the program was put over two years. Many, many municipalities across Ontario chose to make use of that money.

As I said yesterday, the town of Walkerton did not take advantage of that fund.

Ms Churley: That is not the goddamned point.

The Speaker: The minister will take his seat. I will have to name the member.

Ms Churley: I'm leaving.

The Speaker: She is leaving on her own, but I will name the member. We can't have situations like that occurring.

Ms Churley was escorted from the chamber.

The Speaker: I don't know where we were. I think the member was about to sum up.

Hon Mr Newman: I was merely trying to illustrate the point that the government does take this issue very seriously. We took it seriously before Walkerton; we take it seriously today. That's why we had the provincial water protection fund in place so that municipalities could have access to those dollars.

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WALKERTON TRAGEDY

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Premier and it con-

cerns the inquiry. Let's just come back to what we know. We know that five people are dead, one of whom was a two-and-a-half-year-old baby girl. She's dead. Four other people are dead. One thousand people were sickened. Why? Because adults working for local and provincial authorities apparently did not do their job. That much we know.

Now, what are we being asked to believe? That we're going to have an inquiry and we should accept an inquiry, a legislative committee, headed by Mr Gilchrist, who you, Mr Premier, threw out of your own cabinet under a cloud, and we're also asked to accept a legislative committee that is, as we all know, going to be very much controlled by the government House leader, Mr Norman Sterling, who for much of this time was the Minister of the Environment.

I ask the House, I ask all of you as adults and as parents—oh, you laugh, I say to the member for Guelph-Wellington. People are dead, I say to the laughing member from Guelph, and their families and their neighbours and their parents are entitled to know from this Legislature what happened.

With a legislative committee that's going to be led by Steve Gilchrist and controlled—if behind the curtain—by the now government House leader, Mr Sterling, who was through 1998 and 1999 the Minister of the Environment, who may very well be culpable, how can any of us, least of all you, Mr Premier, accept that as anything other than a sham, and for important members of the community like the government House leader an obvious and potential conflict of interest?

Hon Michael D. Harris (Premier): Nobody wants to get to the bottom of this more than I or the minister or all the members on this side of the House. So I encourage all members to work with the legislative process. It has worked very well on many occasions in the past. Our commitment is that it will be open, that we will be free to begin immediately, that we can get on with this right away. I'm disappointed that the member from Renfrew doesn't want to participate. Our members are anxious to get to the bottom of this in a full and open and unfettered way. I say to the member that, while we're not screaming and yelling, we have a great deal of empathy and share in the sympathy for the people who have died in Walkerton.

Mrs Brenda Elliott (Guelph-Wellington): Speaker, on a point of personal privilege: I would like to point out that the member across the way from Renfrew just indicated that I was laughing at the matter on which he was asking the question with regard to Walkerton. I would like the member to note closely that I was in fact involved in a separate conversation. I personally take the matter of what happened in Walkerton seriously—

The Speaker (Hon Gary Carr): I thank the member for correcting—

Interjections.

The Speaker: You'll get your full minute. That's not a point of order. I thank the member for correcting the record. Supplementary.

Mr Conway: You know, I am mad as hell, I'll confess that, because people are dead, a young girl is dead, and it may very well be—

Interjections.

The Speaker: Member take his seat. The clock is running down. The member has got an opportunity to ask a question in a minute and 25. He can either ask a question or he can stand here and look at me. Quite frankly, the people of the province would rather hear a question from the member, who is asking a tough, forceful question that the people of this province want asked, and it doesn't help to be shouting and throwing anybody else out. We've got about one minute to the member for the question. We'll give him the full minute to start over.

Mr Conway: No, I don't want to start over, because I am mad as hell. People are dead. There may be blood on our hands. I think there is blood on our hands. I want to know and the families of those dead people in Bruce county have a right to know what happened. I'm the senior member of this Legislature, I'm a former minister, I'm a former government House leader, and, yes, I'm an active member of the Legislature, and I'm one who believes, perhaps more than most, as my earlier motion this week made plain, that there is an important role for legislative committees. But I say from the bottom of my heart, Premier, this is not one of them because it is clear that we, as an Ontario government, and we, as former ministers of the environment—and God knows who else—may be culpable. We probably are going to be defendants in this action. How can we possibly stare those people whose relatives have died in the face and say, "Accept this." Did any of us fight as hard as we did to get here to do that?

In good faith, tell the dead people of Bruce county and their relatives that at a minimum you are going to see to it that there is an independent inquiry that gets all of the facts out, and then we can decide.

Hon Mr Harris: As the member will know, I have assured the people of Walkerton that there will be several full-blown and independent inquiries. I have assured them—

Interjections.

The Speaker: Premier.

Hon Mr Harris: As I said, I have assured the people of Walkerton, the people of Ontario and this Legislature that there will be several inquiries. Certainly the independence of the OPP I don't think is in question, or that the independence of the coroner, full and public, with power to subpoena, is in question. The investigation: Surely you would expect the Ministry of the Environment to do that and report to a legislative committee which can begin right away. I'm disappointed that members are prejudging a legislative committee. If the member is suggesting former ministers of the environment not be on the committee, I'll take that to heart. I suggest that the other caucuses do too.

The Speaker: The time for question period is over.

On a point of order, the member for Windsor-St. Clair.

Mr Dwight Duncan (Windsor-St. Clair): Mr Speaker, today's order of the day is an opposition day motion. I have another opportunity to seek unanimous consent to change the opposition day motion. I'd like to change the motion to read as follows:

"That the government, under the Public Inquiries Act, should appoint a public inquiry into Ontario's water supply to consider and report on the safety of the province's drinking water, in particular:

(1) To examine legislation and regulations governing the provision of, standards for and testing of drinking water in the province;

(2) To examine the adequacy of the inspection and monitoring programs for all provincial water systems, and the role of the province in guaranteeing adequate testing, including funding and staffing considerations;

(3) To examine any other matters that the commission considers relevant to the above terms of reference to ensure that the tragedy of Walkerton does not ever happen again anywhere in this province;

"And that the three House leaders are consulted and must approve the government's appointee(s) to the inquiry, any changes or additions to the above terms of reference for the commission and the reporting date for the commission's interim and final reports."

Anything less than this would amount to nothing more than an absolute cover-up and stonewall on the part of the government of Ontario.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

Mr Conway: On a point of privilege, Mr Speaker: I want to say I just had a conversation with the member for Guelph-Wellington. She assures me that she was not making light of my question. As one honourable member to another, I have to accept that and I apologize for any wrong impression I might have cast about her in my question.

The Speaker: That's a gracious gesture. That's what this House is all about.

PETITIONS

SCHOOL CLOSURES

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Kinsmen/JS MacDonald school is slated for closure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the Upper Canada District School Board to remove the notice of closure for the Kinsmen/JS MacDonald special school facility.

"Since 1963 the special education facility has adequately served the needs of those students requiring

special education programs and services throughout Stormont-Dundas-Charlottenburgh.

"Presently, the Kinsmen school meets the needs of 45 children ranging from minor learning disabilities, behavioural to more complex multi-challenges."

I submit this petition with my full support. I affix my signature to that.

1510

EDUCATION LEGISLATION

Mr Rosario Marchese (Trinity-Spadina): I have a petition here from thousands of people, and it reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I am in full agreement with this petition and I attach my signature to it.

KARLA HOMOLKA

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm pleased to affix my signature to this petition.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Tony Ruprecht (Davenport): I have a petition from a number of residents from my riding of Davenport which reads as follows:

"Whereas the Ontario disability support plan recipients have not had an increase in their benefits for 10 years; and

"Whereas the cost of living has been constantly increasing in the past 10 years; and

"Whereas Premier Mike Harris and his government should realize that the cost of basic essential services has been on a continual rise, eg to have a basic telephone line 10 years ago was only approximately \$12 a month; today that is \$20 a month; and

"Whereas it is not acceptable for ODSP"—that's the Ontario disability support plan—"recipients to be forced to live below the standard of living because they are assessed disabled and unable to work,

"Therefore we, the undersigned, request Premier Mike Harris and his government to immediately increase the Ontario disability support plan benefits."

Since I agree with this petition, I'm signing my name to it.

EDUCATION LEGISLATION

Ms Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly of Ontario. It's been signed by 287 Sudbury and area secondary school teachers. It reads as follows:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students every day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

ABORTION

Mr R. Gary Stewart (Peterborough): I have a petition from a number of constituents in my riding that reads as follows:

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 46,000 abortions in 1995 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

CORRECTIONAL FACILITIES

Mr David Ramsay (Timiskaming-Cochrane): "To the Legislative Assembly of Ontario:

"Whereas the government of Ontario has stated its intention to close the Monteith Correctional Centre; and

"Whereas this closure will result in the loss of 90 jobs in Iroquois Falls and the surrounding area;

"Whereas this job loss will be devastating to the community,

"We, the undersigned, petition the Parliament of Ontario as follows:

"We call upon the government of Ontario to cease plans to close the Monteith Correctional Centre and continue to publicly operate this facility."

As an addendum, I'd like to submit a list of school children who are under the age to have signed this petition.

CAMPING

Mr Gilles Bisson (Timmins-James Bay): I agree fully with the previous petition but I have one of my own. This position is from a number of citizens from the riding of Timmins-James Bay who have petitioned the provincial government on the decision to limit camping with campers and trailers down to 21 days on crown land for the entire year. The petition reads:

"We, the undersigned, want our camping back for all summer, as it was previously, working under the Ministry of Natural Resources with an elected associate and stewards. Camping for only 21 days in a year is not justified at our campground as we have never experienced

any problems in the past and have taken great care to meet and exceed all of the ministry's demands on us."

I support this petition and sign the same.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Bob Wood (London West): I have a petition signed by 29 people.

"Whereas 1.5 million Ontarians with disabilities face many barriers when they seek to participate in all aspects of Ontario life such as getting a job, using public goods, services and facilities such as health care and education; and

"Whereas Premier Harris promised in writing during the 1995 election to work together with the Ontarians with Disabilities Act Committee to develop this new law, to be called the Ontarians with Disabilities Act, and to pass it in his first term; and

"Whereas the Ontario Legislature has unanimously passed three resolutions calling on the government to keep its promise; and

"Whereas the most recent resolution calls for a strong and effective Ontarians with Disabilities Act to be enacted no later than November 23, 2001; and

"Whereas there is an urgent need to achieve a barrier-free Ontario for people with disabilities; and

"Whereas any further delay in passing the Ontarians with Disabilities Act to achieve a barrier-free Ontario for all people with disabilities will hurt all Ontarians,

"Therefore, we the undersigned:

"(1) Call on the Ontario Legislature to make sure that the Ontario government keeps its 1995 election promise, and to comply with the three resolutions of the Legislature and to pass a strong and effective Ontarians with Disabilities Act as soon as possible to achieve a barrier-free Ontario for people with disabilities;

"(2) Call on the Ontario Legislature to ensure that there will be open, accessible public hearings on any new bill that is introduced, which will be held across Ontario, in which all who wish can participate so that Ontarians with disabilities can have a meaningful voice in this legislation."

EDUCATION LEGISLATION

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislative Assembly of Ontario signed by hundreds of parents, students and teachers from Sudbury:

"Whereas Bill 74 diminishes quality education for all students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute power for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

Certainly I agree with it, so I affix my signature to it.

LORD'S PRAYER

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Lord's Prayer, also called Our Father, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and tradition that continues to play a significant role in contemporary Ontario life;

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to affix my signature to this petition.

1520

EDUCATION LEGISLATION

Mr Michael Gravelle (Thunder Bay-Superior North): I have a petition related to Bill 74, that extraordinarily draconian piece of legislation before the House. It reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I support this strongly and I am signing my name to the petition.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I continue to receive petitions, organized in this case by Cecil Mackasey and Rick Roberts of CAW Local 222 and forwarded to me by Cathy Walker, the national health and safety director of the CAW. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

On behalf of my NDP colleagues, I add my name to those of these petitioners.

LORD'S PRAYER

Mr Bert Johnson (Perth-Middlesex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century;

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and tradition that continues to play a significant role in contemporary Ontario life; and

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers."

I'd like to sign this along with those who have already.

OPPOSITION DAY

HEALTH CARE

Mrs Lyn McLeod (Thunder Bay-Atikokan): I move that in the opinion of this House,

That this House recognizes this government has not moved to address a growing crisis in the supply of family doctors, cancer treatment professionals, and nurses; and

That this House demands that the government finally take action on this serious problem by:

(1) Acting immediately on the recommendations of the McKendry report;

(2) Developing a provincial strategy for the training and recruitment of cancer treatment professionals; and

Undertaking a recruitment and retention plan for nursing.

This is an important motion that we've presented before the Legislature today. It's one we believe must be debated in this House. The issues related to our health are of the greatest concern to the people of this province.

There is no question that the shortage of physicians and nurses is creating a crisis in access to care in communities across Ontario. I have examples of individuals with serious medical conditions who can't get a timely diagnosis, let alone timely care. I believe these shortages are contributing to ill health in our communities, and it is even possible in cases that we cannot prove, likely cases that we can never prove, that the lack of access to timely care may be resulting in unnecessary deaths. I do not believe this government understands or accepts the urgency of this problem. I don't believe they are acting with any sense of urgency, and we will continue to raise this issue week in and week out until some action is taken.

But even more immediate concerns about the health of Ontario residents must take precedence over this important issue of physician and nursing shortages. Five people died in Ontario last week. They died because they drank water they assumed was safe. We must talk about these five people and how five people can die in this province

because of poisonous water. We need to understand how this could have happened and, even more crucial, we need to know what has to be done to make sure that this doesn't ever happen again—in Walkerton or Windsor, in Hanover or Hamilton, in Thunder Bay or even Toronto.

We asked for this debate today on the issue of the deaths of people in Walkerton, on the issue of the safety of the water supply across Ontario, because it is without any question today the most immediate concern of Ontarians who no longer feel their water, that basic essential of life and health, is safe. Unfortunately, the government said no. The government says, "No, we cannot have an independent inquiry to determine what happened in Walkerton and what needs to be done to make certain that no more individuals die because of polluted water." We can and we must talk about access to health care, and that's what this resolution before the House speaks to today.

There's no doubt in my mind that people are extremely concerned that they're going to have to continue to travel to the United States for cancer care—for as long as another year and a half, according to Cancer Care Ontario—and that they're having to travel out of their home communities to get cancer care simply because we don't have enough radiation therapists or enough radiation oncologists to provide timely care closer to home. Why? Because of a government that failed to take into account the consequences of its actions; for example, when it decided to shut down the radiation therapy training programs because at that time they thought there was a surplus of radiation therapists. Now we can't produce enough radiation therapists to provide the cancer care we need here in Ontario.

We have to talk about access to health care because I know Ontarians are extremely concerned that they can't get a family doctor. When we first started raising this issue last fall, there were 100 communities in Ontario that were officially underserved for family physicians. Now we have 106 communities underserved. We are at least 451 family doctors short by the government's own official count. I think it's important that we ask why people are without care.

I have a constituent who's a 13-year-old girl. She has severe headaches that have kept her out of school since last November. She can't get an MRI to get a diagnosis of the cause of her headaches until July 11 because of the shortage of radiologists. I have a constituent who requires surgery for a cataract that is advancing rapidly. She can't get an appointment even for a consultation with an ophthalmologist until July 2001.

I think we need to understand that lives will be jeopardized because the national blood plasma centre in Thunder Bay is being forced to close because of a shortage of doctors to supervise it.

These are serious situations which in some cases could have potentially deadly consequences for people in this province. These are serious, potentially deadly consequences of this government's failure to act to address the need for more doctors, for more nurses, for more cancer

specialists and therapists. But I would suggest to you that the most deadly consequences of this government's refusal to act were most tragically apparent in Walkerton last week when five deaths gave us evidence of what happens when a government shirks its responsibility for public health.

1530

The motion we have before the House today speaks to the immediate implementation of the recommendations of the McKendry commission. Dr Robert McKendry was the government's own commissioner, appointed to determine whether there was a shortage of physicians. He reported back in December to say, "Yes, indeed, there is a shortage." It is not, as the Premier said in Thunder Bay just a few weeks ago, any longer just a distribution problem, a maldistribution of physicians. There is a shortage of physicians across this province. It is a shortage, according to Dr McKendry, which is becoming more critical every day. The McKendry commission urged this government to act. The government's response was to appoint a task force.

The McKendry commission advised this government to take immediate action to increase medical school enrolment. They said there should be an increase of at least 55 students in medical schools this fall. The government didn't act and now it's too late to act—another year lost in dealing with this critical shortage of physicians. The government obviously thought the public was concerned about this because they took it seriously enough to play word games in the budget, when they said the government was acting immediately to implement the McKendry recommendations to increase the number of medical school spaces, only they weren't acting to increase the number of medical school spaces at all.

The government knew there was a public concern about health care, but they simply played games. They refused to act. They ignored the advice of their own commissioner. That's exactly what this government did with the Environmental Commissioner's report, in which she talked about the need for a groundwater strategy. They ignored it and they fired the commissioner. It seems to be a habit of this government: A commissioner goes out and brings back news the government might be required to act on, to put some resources into, something which might divert them from their agenda, where there is a Robert McKendry report saying, "Yes, there is a shortage of physicians; you've got to increase the number of spaces in medical school," or Eva Ligeti, the Environmental Commissioner, saying, "We have a problem with groundwater, and government, you've got to act to put in place a groundwater strategy." What did the government do with that report? Not only did they ignore it but they fired the bringer of news they didn't want to hear. They fired Eva Ligeti, the Environmental Commissioner.

They didn't deal with the issue. They hoped everyone would forget about the concerns the Environmental Commissioner raised. They hoped no one would notice the concerns the auditor raised in his report about provincial cuts to the Ministry of the Environment and the fact that

drinking water testing was no longer being audited by the Ministry of the Environment.

The Mike Harris government didn't just walk away from its responsibility to ensure the health of Ontarians by ensuring safe drinking water; it deliberately dumped the cost and the responsibility for ensuring the safety of our drinking water on to the municipalities. It shut down the Ministry of the Environment labs in the name of efficiency, even though we knew it would be three to five times the cost to do the testing in private labs.

This was one only too tragic example of a government following its ideological cost-cutting agenda with blinders on and refusing to see the consequences of its actions, in fact deliberately not wanting to see or to understand the consequences of its actions.

This government doesn't seem to care about the consequences of its refusal to act on the health of the citizens of this province. I think, for example, of the decision this government made in its first year in office to cut the budgets of hospitals and to see 10,000 nurses laid off. Did they care about the consequences to the health of Ontarians? Did they care what that would do to the ability to provide, for example, timely surgery, so that now we have a shortage of surgical nurses and surgery has been cancelled because there isn't a nurse in the operating room? Go to Woodstock and talk to the Woodstock hospital about why they can't get a general surgeon—because they can't staff the operating room with nurses, a consequence of an action which this government took, which they chose not to see and not to understand.

This motion today speaks to a shortage of nurses. We are told we need 63,000 to 93,000 nurses over the next ten years. Where are they going to come from? How many more cancelled surgeries are we going to have? How many more individuals will go without nursing care at home because the community care access centres can't get enough nurses to deliver the care that even this government, with its rationing, would allow?

I believe that some things are and must be a responsibility of government. Protecting the health of the citizens of Ontario is very clearly a responsibility of the provincial government. Part of that responsibility is to provide access to health care. Part of that responsibility is to ensure there are enough health care professionals to provide care in a timely way. But part of the responsibility for health is also about providing safe access to the necessities of life and health.

I submit to you that this government has not accepted its fundamental responsibility for ensuring the health of its citizens. The Mike Harris government was prepared to sacrifice the health of its citizens to save dollars by shutting down water testing labs, turning them over to the private sector. Is that the answer we're now seeing from this government on the shortages of health professionals? If you can't get an MRI because there is a shortage of radiologists, maybe you can find a private MRI, something which has happened recently in the greater Toronto area with the apparent encouragement of the Ministry of

Health. Or maybe you should just go down to the United States, where they may have a radiologist who can do the MRI to get you the diagnosis you need.

The government is responding to the need for access to health care in the same way that they responded to the need to protect the safety of Ontario residents by ensuring the safety of their drinking water: They simply ignored their responsibility, ignored any sense of the consequences of the actions they were taking.

I am concerned that this government will continue to wash its hands of its responsibility for waiting times to see a physician, waiting times to get surgery and waiting times to get a timely diagnosis. I know why they won't increase the number of medical school spaces: because it would cost dollars and because that would interfere with their tax cuts. So they ignore the consequences. They refuse to act. They abandon their responsibility for health care, just as the Mike Harris government abandoned its responsibility for the health of the residents of Walkerton, because its priority was not health; its priority was and is tax cuts.

This motion today calls on the government to act on a matter of urgency in ensuring access to health care, to physicians, to cancer specialists and to nurses. But what we need today, even more urgently, is a broad independent inquiry into this government's abandonment of responsibility for maintaining the health of its residents by ensuring a safe water supply across communities in this province. People have died in this province who shouldn't have had to die. I'm afraid that people will die in the future because of this government's failure to act on critical issues of access to care.

We will push this government to act. We will do it day in and day out in this place, week in and week out, because we will refuse to let them continue to ignore the consequences of their actions to the detriment of the health of the residents of this province.

The Acting Speaker (Mr Tony Martin): Further debate?

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I would like to speak to the resolution put forward by Mrs McLeod. As some members of the House know, I was named by the Premier as parliamentary assistant to the Minister of Health and Long-Term Care, specifically to rural health care. As such, I have spent some time since that appointment travelling to many rural areas around the province to look at many of the issues that the member for Thunder Bay-Atikokan has raised. I have met with doctors, with chief executive officers of hospitals, with community care access people, with nurses, with nurse practitioners—anyone connected with health care. We travelled to Wiarton, Owen Sound and Walkerton in the early part of April, where we met with hospital administrators, community care access administration and physician recruitment committees to discuss all of those issues, as well as many others.

On April 12 we met with some OMAFRA people in the Guelph area. On April 26 we went to the Grimsby area and met with people from all over the Niagara

Peninsula. On May 3 we travelled to Collingwood where we met Dr Wells, who is of the rural Ontario medical program, with respect to training doctors to practise in rural medicine, a genuine concern. There are 100 underserved areas in this province. It's a very serious issue. People all over the province are looking for doctors. The difficulty is, of course, in the urban areas, in Toronto, I've talked to people who have a choice of which doctor they're going to see, so there is an inequity between people who are out in the rural communities and people who are below Highway 401.

1540

On May 10 we went to Minden and Haliburton and we talked to health care providers and recruitment individuals. On May 17 we saw the dean of Western university's school of medicine, Dr Carol Herbert, who has recently come from British Columbia, who has a perspective on rural health care, as to the education that's going on of medical students. We also met with Dr Jim Roark, who is the director of SWORM, which is the initials for Southwestern Ontario Rural Medicine. He is a practising physician, as well as a teacher at Western university. He's trying to develop a concept which really hasn't been completed yet—I think he's four years into the program—of encouraging students to receive their education while attending Western university in many of the rural communities around southwestern Ontario. He believes it's going to work and he believes that the province of Ontario should get into many of these types of initiatives at universities to encourage students to receive their education in rural communities.

In your area, sir, up in the north, in Sault Ste Marie, we heard many requests for a northern medical school to encourage students to go there, because most of the education in this province is received in the large urban areas, with expensive medical equipment. There are all kinds of people they can talk to, specialists. Then they go out into the rural communities and there's no one to talk to and they don't have the equipment. It's a genuine problem that Ontario society has, which the Ministry of Health is working on.

We then went to Ottawa and talked to rural communities around Ottawa, particularly in the Champlain district. Last week, which was constituency week, I travelled to the north. We went to Sudbury, we went to Timmins, we went to Chapleau, we went to Sault Ste Marie and we went to Thunder Bay. We had discussions with all kinds of people, who had flown in from such places as Dryden, Sioux Lookout, Wawa and other areas. In fact, there's a definition in the north, Mr Speaker, and as you know, as a member from the north, it's no longer called "underserved," it's called "remote," because of the great distances in the north.

The problems around this province with respect to health care, in rural communities at least, are basically the same types of issues. In the north, of course, there's more emphasis on certain issues, particularly with the shortage of doctors, because of the great distances. You talk to people who are on dialysis who have to travel 250

miles one way three times a week to receive dialysis treatment.

We start asking people, "What does the public want?" This is the question I ask in all the communities: "What does the public want for health care, specifically in the rural communities?" The second question I ask is, is what they want reasonable? Finally, are they prepared to pay for it? We in the province of Ontario spend somewhere between 35% and 40% of our budget on health care. Should we spend 40%? Should we spend 50%? Should we spend 60%?

We are not going to raise any more taxes in this province. We are not going to increase the debt of this province. We're not going to increase the deficit of this province. We're not going to do that. Everyone I talk to has no problem with that. They all need more resources, particularly in the rural areas, particularly in your community in the north, Mr Speaker—and I shouldn't be picking on you personally, but I know you're from the Sault Ste Marie area, and the questions there are similar. But those questions need to be asked.

We went to these communities. We met with people from the aboriginal communities. Of course we got into the funding, which is partially provincial and partially federal. When I went to these communities I stayed away from the issue we've debated for some time in this House, which is that we believe the federal government should participate more in health care in this province, specifically rural health care, which is what I'm charged with.

Mr John Gerretsen (Kingston and the Islands): Did you tell them about the \$5-billion excess?

Mr Tilson: We didn't get into that, but that's fairly evident. The Prime Minister says he wants a meeting with provincial ministers some time in the fall, if we don't have an election. I hope he comes forward with funding and I hope he doesn't do it just because there's going to be an election. Clearly the federal government needs to contribute more funding as their share if they're going to participate in all the issues involving health care.

These problems exist all across the country. It's not just specific to this province. There are problems that we as a Legislature and we as a government on this side are going to have to deal with. For example, we talked about the shortage of doctors; we talked about improving the administration of community care access centres; we talked about primary care. Most people seem to be in support of primary care, although there are different variations of primary care, at least in the rural communities. The fine-tuning of networking: There are some communities that are very concerned about networking; others support it because they realize there comes a point when there is no more money unless you start cutting from other things, so they accept that.

We have a problem with the aging population. We have a problem with the aging population of the medical profession. We have a problem of people retiring to communities such as Haliburton. I was up in Haliburton and people are moving to their cottages and winterizing their

cottages; hence putting a stress and a strain on health services in those communities. That is a problem.

There is the issue of remoteness in the north and the whole philosophy of education of doctors. Everyone acknowledges that we have to change how we do things with respect to educating people who are going into medicine, encouraging people who perhaps do not have the financial resources, particularly from the north, to get into the medical profession.

I'm talking medical profession. Yes, I'm talking about practitioners, but I'm also talking about nurses and nurse practitioners. We have to look at all kinds of other things—midwifery—all kinds of things we need to be looking at.

The issue of enrolment was mentioned, I believe, by the member for Thunder Bay-Atikokan. She referred to the issue of medical schools. The difficulty was—it happened during the Bob Rae reign, but to be fair to the NDP, it was a philosophy that occurred right across the country, where admissions to medical schools were stopped; I don't know whether they were stopped, but there was certainly a slowing-down process. To be fair to the NDP government, I think that was an issue that was made across the country and it was a serious mistake, because it shouldn't have happened.

Some people will say there's a shortage of doctors and some people will say there is not a shortage of doctors. Clearly in my community, in a rural community, there is a shortage of doctors. Clearly in the north there is a shortage of doctors. The member is quite right. I don't agree with her political way of saying how we should improve it. In the long term, we have to look at all kinds of things. We have to look at expanding how we're going to encourage foreign doctors to qualify to meet the standards of the College of Physicians and Surgeons in Ontario to—

Mr Gerretsen: You can do something about it. Don't just look at it.

Mr Tilson: We are going to do something about it and we're going to work with the college to do that.

1550

I would like to then proceed with the first item. I don't have very much time to do that. That is specifically acting on the recommendations of the McKendry report. We have taken unprecedented steps to address the issue of physician supply and distribution in Ontario. We have taken a lead role in this respect, considering the problems that have occurred.

Mr Gerretsen: How?

Mr Tilson: If you listen to me, I'm going to tell you, member for Kingston and the Islands. I'm getting to it. I don't have much time, and if you interrupt, I won't have time to say it at all.

Minister Witmer responded immediately to the McKendry report by providing \$11 million to implement short-term recommendations. That was done on December 22, 1999.

There was \$810,000 to fund 15 additional post-graduate training positions in Ontario to recruit Canadian

medical school graduates who received post-graduate training in the US. We're working to have the first applicants by this coming July.

We provided \$1.3 million to increase the international medical graduate program, member for Kingston and the Islands, by 50%, and we expect the first applicants by July 2000.

We're going to expand the re-entry training program and provide funding of \$4.5 million for advanced skills training for family doctors to provide specialties such as anaesthesia, emergency medicine and obstetrics.

We're doubling the number of community development officers to help underserved areas recruit doctors. Timmins and Collingwood will be starting in June of this year. We anticipate the final CDO to begin operating shortly.

We're providing \$1.2 million to expand the northern family medicine residency program in Thunder Bay and Sudbury by 25%. The program will be available this July.

The expansion of these initiatives will apply to recruitment and retention of physicians in underserved areas. Implementation of the McKendry recommendations builds on some of the government's current successes.

There is no question that there are serious concerns about health, particularly in the rural area, which I have been interested in, which still exist and which we're working on. Dr McKendry has made a number of suggestions. We have followed those suggestions, and quite frankly I will be opposing the member's resolution because I think we are following the recommendations.

Mr Michael Gravelle (Thunder Bay-Superior North): I'm pleased to have the opportunity today to speak on this important motion put forward by my colleague from Thunder Bay-Atikokan, a motion that addresses the extraordinary need for this government to take immediate action to deal with the critical shortage of family doctors, specialists, cancer treatment professionals and nurses in so many communities across the province.

As the member for Thunder Bay-Superior North, I want to express to the House today that this is a matter of great urgency in the city of Thunder Bay, and in fact has reached crisis proportions. Make no mistake about it: We have a true crisis in the delivery of health care in Thunder Bay. The shortage of family physicians has meant that thousands of Thunder Bay residents do not have access to their own family doctor, a situation which can only be described as deplorable, but it has also been our shortage of specialists that has truly crippled the health care system in Thunder Bay. People in desperate need of surgery have had their operations cancelled because of a shortage of anesthetists in our community. It's almost impossible to describe the anguish and fear this has caused for those waiting for surgery and for their family and loved ones. It cries out for action and I believe that support for our party's motion today will signal the government's understanding of the need for that action now.

In addition, we have a situation in Thunder Bay related to emergency room access that is directly related

to the shortage of physicians in our community. At the Port Arthur General site of Thunder Bay Regional Hospital we no longer have access to 24-hour emergency service. In fact there was a recent announcement further reducing the hours of emergency room access at the General hospital site. We've been told that this situation is temporary and that we will return to 24-hour access once the emergency room physician complement increases. That's another reason we need action now. People in my riding deserve 24-hour access to the emergency rooms at both sites of our regional hospital, and it is only through immediate action by this government that the physician complement will be reached and we will once again return to 24-hour, seven-day-a-week access to our emergency room services.

It's also difficult to debate today's motion without making precise reference to the situation in Walkerton. The fact is, that is very much a health issue. This is a crisis of unprecedented proportions in our province. I do think it's just conceivable that the government has been stonewalling so vigorously today in terms of not allowing a public, independent inquiry in that if you look at the situation from the point of view of the history of what this government has done, you may recall that public health was a provincial responsibility. This government was determined to make public health a municipal responsibility. I really believe that is when this process and the dangerous part began. We fought vigorously in this Legislature—certainly the people of the Thunder Bay District Health Unit and all the health units across the province have continued to argue that indeed is the case—when the Ministry of the Environment testing lab in Thunder Bay was closed down, again, because we believe there are some real dangers in place. Clearly, that is what has happened.

What we've seen in Walkerton is a situation that I think threatens and frightens everyone in this province. It is absolutely inconceivable that the government would be so determined not to allow for an independent public inquiry into this extraordinarily important health crisis. It's one that demands that the government respond in a different fashion, not stonewall, not vote against it as they did today on the motion by Mr Conway related to the privacy of 50,000 members of the Province of Ontario Savings Office. Their membership and their privacy was completely denied and let out by this particular government. The government, in fact, broke the law. This issue is one that continues to cry out for some help.

I believe that we have to continue to fight, as legislators, to support this motion today, to recognize that we need an extraordinary action on an immediate basis to help us with our health care situation and our physician shortage and to recognize that the Walkerton crisis today is very much connected: It's very much a health care issue, it's very much a public health care issue and it demands a public and independent inquiry.

Ms Frances Lankin (Beaches-East York): The resolution before us today has three parts in terms of the actions it's calling for from the Legislature. The first asks

the Legislature to demand that the government act immediately on the recommendations of the McKendry report; second, that they act to develop a provincial strategy for the training and recruitment of cancer treatment professionals; and third, that they undertake a recruitment and retention plan for nursing.

I find it interesting to hear government members suggest that they're not going to support this resolution. I assume it's because the intro to the resolution is critical of the government for not having moved to address the growing crisis in these three areas. We hear comments from the government members about actions that have been taken but they ring hollow, with me at least, as I look at the track record of the government to date on these three critical areas.

I want to begin with the issue of physician recruitment and retention. There's much comment in this Legislature about back in 1992-93, when ministers of health in this country sat down and took a look at the issue of physician supply and the numbers of physicians and the numbers of spaces in medical schools, and reduced some of the spaces in medical schools. I love it, although I have to say that Mr Tilson, who was just speaking, was quite accurate in pointing out that it was a federal-provincial agreement right across this country.

Most members opposite, the Premier and the Minister of Health in particular, point fingers and say, "This party opposite, the third party, is responsible for this crisis because of reductions in the numbers." I was Minister of Health at the time. I guess I have to take some responsibility. I'd just like to have a moment to share with the House the discussions that took place at that point, led by the federal government. At that point the Mulroney government was in power.

One of my favourite federal members of health, Benoît Bouchard, a terrific fellow who has gone on to be an ambassador, had a real commitment to medicare and to the protection of medicare, along with ministers of all political stripes from across this country who joined together in looking at major health systems issues and looked at reforms that needed to be put in place to preserve our public medicare system.

Dare I say, had most of those reforms been implemented at this point in time, and had implementation been continued by this and some other provincial governments in this country, along with the federal government, we wouldn't be in the position we are in today. The issue of physician shortages as well as many of the other crises we're facing would be of a very different complexion, although I for one will always acknowledge and seek to convince people that the complexity of the health care system is such that you need to understand, when you tinker around the edges, that it's like a balloon full of water. You push in here and it pops out there. You need to understand the interrelationships.

When federal-provincial ministers of health were looking at the issue of medical school spaces, at that point in time they were looking at the graduation, the numbers of doctors who were coming into practice, the

number of billing numbers that were being issued in provinces, and looking at that in relationship to the population—the size of the population, the demographic growth of the population, the demographic change in the population. That means adjusting it considering the rapidly aging population and what that means in terms of the need for additional resources. It was determined at that point in time that we were graduating and producing more doctors than we could account for, given the size in growth of the population and the aging of the population.

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Interestingly, here we are, not even a decade later, finding that those kinds of macro decisions with respect to human resource management sometimes don't work because other factors come into play. The ICES survey of physician supply that was recently done is very interesting in pointing out the change in practice patterns of a large number of doctors, particularly—not exclusively but most particularly—the larger number of women entering the profession who see a different balance in their home life and in their work life and who practise medicine in a different way, often a more collegial way, less of the—dare I say it; they've used it as a negative connotation, but we have all heard and seen reports of the revolving door style of medicine that we're very critical of—less of that, and operating in a different way. Lo and behold, all the numbers and all the predictions became no longer relevant to the situation we face today.

I would like to take some responsibility for being part of a group that made a decision with the best information available, but I also suggest that had many of the other pieces been put into place, for example the work we began on primary care reform, halting the continuation of health service organizations—they had been put in place by the Liberal government before us, and the intent was absolutely genuine in terms of changing the way in which physicians were compensated. What we found was that the way in which it had been structured, the incentives which had been put in place—the ambulatory care incentive program was designed to reward doctors for using the global budgets or the capitative budgets that came to them to keep their patients healthy, to keep them out of hospital, and if it was found that their patient clientele was not using hospital acute care services, there would be a bonus paid into that and that money was supposed to go to health promotion and illness prevention. We found a whole lot of sole practitioners setting up in places like Forest Hill, with high socio-economic, wealthy populations, with fewer health problems. Let's please acknowledge that health status of families is related to a number of things, but there's a huge and very strong correlation between economic status and health status of our population. So we found them setting up in wealthier socio-economic communities, that had a low utilization rate already, receiving a lot of this extra bonus and no money being put into the kind of health promotion and illness prevention.

The intent was right. The structure wasn't working. Some practitioners, unfortunately too many, were finding

a way to access incentive moneys without doing the work that the incentive money was supposed to incur.

At that point in time, when the freeze was put on HSOs, there was the committee struck to look at primary care reform, and it wasn't simply with medical practitioners. One of the beefs I have with the way the government has proceeded—even though I near-scoff at the claims that this last agreement with the OMA somehow advances primary care reform in this province; quite the contrary. But that's not where the locus of the discussion should be in any event. People around the table have to include other health care professionals, because the concept of primary care reform is to use the health care professionals we have to the fullest of their ability, to bring to bear their skills, their expertise, on maintaining healthy populations. It's the shift away from a system that concentrates all of its resources on illness treatment in doctors' offices, in the hospitals. That primary shift has to happen.

Quite frankly, the other thing that has to happen is that the government has to continue to embrace the concept of determinants of health. You have to understand that it's not just the number of doctors and hospitals that builds a healthy population. It's whether or not we have clean air to breathe, and—is it trite to say this week?—whether or not we have clean water to drink, whether or not our children have decent roofs over their heads, whether there is enough food on the table, whether they have access to a decent education. Those factors in our lives, many of which are part of the very heart and soul of what we collectively ask our governments to provide through our tax dollars, those matters are the things that build healthy kids, healthy families, healthy neighbourhoods, healthy communities. We have seen much under attack in those fields of government activity under the regime of the Harris government. I think you have to understand the impact that has, and is having, on utilization in the health care system as well.

Many factors have changed here. But looking specifically to the issue of physician retention and recruitment at this point in time and the McKendry report, the government has been so slow to respond to many of those recommendations. I think when we hear about communities—particularly for a moment I want to talk about northern and rural communities, and I won't say a lot on this because I know other colleagues from my caucus will be speaking with greater knowledge and expertise and experience from their own home communities on this subject. At a point in time when we began to understand the crisis facing us in northern and rural and remote communities, and knew that there needed to be a way to ensure that northerners, people who understood and lived and loved the life, had an opportunity to be educated and to come back and practise in the north, one of the things was to establish the northern family residency program. That has had an impact, but it hasn't gone far enough. Again, I think the initiative of our government was a good one.

I think now, looking at it, that the McKendry recommendation that there be a northern medical school established is an absolute must. I don't know why we are spending the time at this point deliberating within the Ministry of Health. I can't see another solution. But let me make a horrible analogy: For years we have understood the need in terms of economic security in the north to ensure that our natural resources in the north are not only harvested there but that the products that come from them are produced there, so that economy is fuelled, that we don't take and harvest the best of what we have and send it off someplace else and hope that the end product comes back at some point in time in an affordable way to our northern communities. Think of our young northern students in that sense. It makes no sense for us to continue to take the best and the brightest, ship them off to southern Ontario and hope that, with their education, they'll somehow migrate back to our northern communities, and/or that the education they will receive in southern medical schools will be relevant to the health issues of the north or those communities. It is time, I say, simply put: Build that school and they will come. We will have a situation where we will be graduating northerners in the north to practise in the north. I think that's critical.

I want to very briefly speak about the issue of cancer care and the crisis in terms of professionals providing cancer care. I am absolutely amazed to hear the government's stand on this issue, and to attempt to point fingers and to take pride in saying that they established Cancer Care Ontario and it's they who are building new cancer centres. I just have to take a moment to set the record straight. I have to point out that the NDP government announced plans and began all the blueprint work and all of the capital funding work for two cancer centres, in Oshawa and Mississauga. Those centres would have been up and operating in 1998. That was the planned opening date. In 1995, the Harris government was elected and they cancelled the plans for those cancer treatment centres. Today, we have a shortage of spaces to treat our cancer patients. We are sending them out of the province, we are sending them all over the province, to try and get people treated, and we have a minister who stands proudly and announces and reannounces all of the new centres that they are going to build that are not built and not in operation. They cancelled those two and, some time later, about two years later, reannounced them, and we're supposed to say thank you? The cancer patients of this province are supposed to say thank you? Let's set the record straight.

Let's also talk about the fact that we're facing a shortage in terms of radiation therapists, that being one of the most critical factors in the waiting list we are experiencing in the province today. In 1997, the Conservative government decided not to provide the funding for that year's class of radiation therapists. It takes three years to graduate a radiation therapist. That means this year we will have no radiation therapists graduating, because of the decision made in 1997 by the Harris government.

There would have been between 50 to 70 new radiation therapists coming on stream in this province this year. They're not there. The responsibility for that lies squarely at the feet of the minister and the Premier. They have yet to acknowledge that.

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The third point I want to make with respect to the immediate crisis management: We know that we are sending patients out of this country, across the border, to receive care, to ensure that they get care in a timely fashion. There are only two classes of cancer patients, however, which are approved to go to places like Buffalo or Michigan. Those are breast and prostate cancer patients. While it is always a shame, and it is a shame on our system collectively, that anyone is leaving this province in order to get timely treatment, given the crisis that we have here in the province, I applaud the decision to fund these people going for treatment. But I have to say that the waiting list crisis is still there. We were told months ago by the minister that it would be resolved by March of this year. We are now told by Cancer Care Ontario it will be another 12 months before they hope to have the waiting list addressed.

I have in this House in questions, I have in open letters to the minister, pleaded that she open up the funding for cancer patients seeking treatment outside of the province to include rectal and uterine cancers. If we could also include those two other classes of cancer patients, the experts agree, whether you're talking to Cancer Care Ontario or the Princess Margaret Hospital, we could manage down the waiting lists for the rest of the patients in this province to ensure that they are getting access to treatment within the recommended time frame. This is talking about people's lives, about the possibility of surviving this horrible disease. The minister has refused to even acknowledge this request from me, let alone respond as to why she won't act on it. I simply say to her yet again, this is the time. We are dealing with crisis management. This is not the long-term solution. I am not proposing it is a long-term solution. I am proposing it to deal with the very real lives of people who are now on those waiting lists, who are seeking treatment.

Last, let me just touch on the issue of nurses and nurse supply. I hope people remember the great flurry of announcements before the last election about all the new nurses we were going to get. It became a bit of a pre-election issue as our leader was travelling the province and we had our pre-election commitment in terms of the number of nurses we believed needed to be rehired, after we saw close to half a billion dollars of health money spent on so-called restructuring. When you looked behind it, it was actually all the severances and costs to get rid of nurses. And all of a sudden we're faced with a shortage and we're having to spend nearly that amount of money again to hire the nurses back.

But I can tell you today that the Minister of Health has no ability to tell us how many nurses have been hired as a result of all that money that was announced. There's been no tracking put in place. We've had reports from hospital

after hospital that that money has gone to deficit reduction in those hospitals and has not gone to increasing front-line staff. So please tell me how you have addressed the nursing shortage. And tell me, if you can't do it today, what are you going to do over the next 10 years, when we have reports from the Registered Nurses Association of Ontario and others which estimate that we will need to recruit between 60,000 and 90,000 new nurses by the end of the year 2011? The crisis is not just looming, it is growing. It is staring all of us in the face and the actions of the government are totally inadequate in response to that.

Tell me, in this budget that was just announced a few weeks ago in this House was there one penny for nursing recruitment and retention, one penny invested in changing the front-line working conditions of nurses or the community conditions of nurses to ensure stability of work, to ensure that it is an attractive place, to lure nurses back into the job? Not one penny was announced. Not one line in the budget addressed this huge, huge issue. And to think that we can deliver a quality health care system without the most important of front-line workers—our nurses—is a folly beyond belief.

I wrap up by saying I will be supporting this resolution. I think the elements of this resolution are quite straightforward. It is very clear from this side of the House; our leader has been quite articulate on these issues, as they affect urban and rural and northern and remote Ontario, as they affect the professions of medicine, of nursing, of cancer professionals, as they affect the lives of the patients who are seeking the treatments in these important areas. We will continue to be clear in our convictions on these areas. We will continue to be, I think most observers would admit, the most consistent party with our commitment to moving to primary care reform; to reforming the way doctors are paid; to making it a mandatory process in this province that we no longer waste our resources on a fee-for-service model that doesn't deliver good quality health care, that doesn't take the steps necessary to shift us from an illness treatment system to the illness prevention, health promotion system that we believe is so necessary to ensure the good health of our population in the long run.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm certainly pleased to join with respect to the special opposition day debate. The member for Thunder Bay-Atikokan has brought forth a resolution looking for three things.

The first thing she's looking for is to act immediately on the recommendations of the McKendry report. What recommendations does she want acted on? We certainly have acted on the McKendry report. There are no specifics.

Secondly, she wants us to develop a "provincial strategy for the training and recruitment of cancer treatment professionals." What is her idea? What's the strategy she wants us to implement? She has no specifics. Oh yes, they want us to come up with it. We have.

Interjections.

Mr Tascona: They don't like what we've come up with, but they come out with—what is the strategy from the member across? If I can speak, Mr Speaker, all she's doing is nattering across there—

The Acting Speaker: People listened while you were speaking. I would ask you to do the same.

Mrs McLeod: On a point of order, Mr Speaker: I believe the member opposite was suggesting that we should have specifics in the motion. I just wanted, as a point of order, to note that although we had specifics in our original motion, we were told that we could not include them because of the new orders of the House.

The Acting Speaker: It's not a point of order. The member for Barrie-Simcoe-Bradford.

Mr Tascona: "Developing a provincial strategy"—of course, she doesn't provide specifics. She doesn't provide a strategy. She doesn't provide anything.

Now, the third recommendation is "Undertaking a recruitment and retention plan for nursing. Minister of Health." Once again, what does she provide? Nothing. Oh, she wants a plan. Of course, there's a plan that we're implementing right now. But what is her plan? No plan at all that she comes out with. No specifics, nothing with respect to what she has out here. What's she's trying to do is pure puffery.

Interjection.

Mr Tascona: But I want to address each one of the recommendations, because that's what this debate's about and I'm trying to debate this. The member from the other side is nattering away, as usual.

We have acted immediately on the recommendations of the McKendry report. Minister Witmer responded immediately to the McKendry report by providing \$11 million to implement short-term recommendations in December 1999.

There have been other initiatives that have been taken: \$810,000 to fund 15 additional post-graduate training positions in Ontario to recruit Canadian medical school graduates who receive post-graduate training in the United States. They're working to have the first applicants by July 2000.

Secondly, \$1.3 million to increase the international medical graduate program by 50%. We expect the first applicants by July 2000.

We will expand the re-entry training program and provide funding of \$4.5 million for advanced skills training for family doctors to provide specialties such as anaesthesia, emergency medicine and obstetrics.

We are doubling the number of community development officers to help underserved areas recruit doctors. Timmins and Collingwood will be starting in June 2000.

There's been \$1.2 million to expand the family medicine north residency program in Thunder Bay and Sudbury by 25%.

Those are a number of the initiatives that have taken place. But more importantly, there's been an expert panel set up, with the appointment of Dr Peter George to chair the expert panel, which will conduct medium- and long-

term planning on the issue of physician supply and distribution. The expert panel will do a number of things:

- Develop a framework to assess physician human resource needs, including a model for measuring and monitoring the supply of physician services and the appropriate mix of specialties;

- Examine changes in enrolment at medical schools;

- Examine the recruitment of international medical graduates;

- Advise on changes to the post-graduate medical education system so that the most appropriate mix of physicians is achieved; and

- Recommend how best to attract physicians to remote communities.

The panel continues to meet regularly. Those are very, very important things that should be looked at and this panel is looking at those.

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Also, in budget 2000, in addition to already additional funding for recruitment and retention of physicians, \$100 million was allocated to expand primary care reform; \$75 million to transfer doctors in the academic health sciences centres to alternate payment plans; \$4 million for free tuition to medical students willing to practise in rural and northern areas; and \$11 million annually to address the physician supply through the recommendations of the McKendry report.

Secondly, I want to deal with developing a provincial strategy for training and recruitment of cancer treatment professionals. There's been a number of cancer initiatives designed to reduce waiting lists. The 2000 budget included \$54 million for priority programs such as cancer care. Since 1995 our government has invested \$155 million in cancer services. Certainly in my riding, one of the fastest-growing areas population-wise, I have been encouraged by the Royal Victoria Hospital, the good work of Dr Pressnail and his staff in the cancer department. They have put forward plans for a regional cancer centre. That's something that I support wholeheartedly. There have been tremendous initiatives at RVH with respect to treatment, and also the breast screening clinic at RVH that certainly has been much needed and has been appreciated by the constituents of my riding.

In the Blueprint, our government will implement a wait time for cancer radiology patients of no more than four weeks, as recommended by the Canadian Association of Radiation Oncologists. At the oncology department at RVH they are doing a tremendous job, because they not only service my constituents but they service up into the Muskokas and in an area that is well utilized. Ontario is the only province in Canada to adopt and implement this standard.

There have been other initiatives with respect to radiation therapy programs in terms of increasing enrolment from 50 to 75 new radiation therapists. There has been money put into the program, \$16 million, to expand access to radiation treatment and support services for over 3,600 patients.

In the year 1999-2000: \$82 million to Cancer Care Ontario to treat approximately 26,000 radiation cancer cases at CCO's eight cancer centres; \$153 million for development of five new radiation treatment centres in Mississauga, Kitchener, Sault Ste Marie, Oshawa and St Catharines; and \$23.1 million for the re-referral of breast and prostate cancer patients to other cancer centres in Ontario and the United States.

Cancer Care Ontario, which was created in 1997, is the agency that coordinates standards and guidelines for the treatment of patients requiring cancer services. Since 1997, there has been increased funding to the CCOs, Cancer Care Ontario, of 28%.

There also have been initiatives with respect to nurses. As we all know, nurses are among the most valuable health care professionals that we have. We appreciate the work of the RNAO and will continue to work with the nursing profession and employers. In 1998, \$375 million was allocated to hire new nurses. In the 2000 budget, there is \$6 million in annual funding to provide education and training for level 2 neo-natal units and hospital staff, and \$3.5 million for bridge training for foreign-trained nurses and other professionals to meet Ontario licensing standards. Certainly one of the most exciting areas in terms of recruitment and retention was to provide \$500,000 in funding to the RNAO to develop recruitment and retention strategies.

We will seriously consider all of the recommendations that are put forward. In fact, some of the recommendations have already been implemented. As you know, one of those was the announcement of the new mandatory four-year baccalaureate degree in nursing, and \$22.6 million has been announced to implement the new standard.

One of the key areas and one of the key focuses of our health care plan in terms of delivering services and providing the health care that our constituents need is going to be through nurse practitioners. In February 2000 we announced the addition of a total of 106 new nurse practitioners. There are now 226 nurse practitioners providing health services in Ontario, 76 to underserved communities across Ontario, 20 new nurse practitioners specifically for long-term-care facilities as a pilot project, five new nurse practitioners in aboriginal access centres and five new nurse practitioners in primary care networks.

I have to say this: I cannot support this resolution. This government has acted on the recommendations of the McKendry report. They have developed a strategy for training and recruitment of cancer treatment professionals, and they're doing ongoing work with respect to a plan for recruitment and retention. All I can say is that we don't hear anything from the other side; we hear no specifics, no strategy. They're not clear, and there's no direction. Quite frankly, we have a direction. We have a plan. We would be doing a service to this province and to our constituents much more if the federal government would contribute their fair allocation and if the members on the other side would do something other than nothing

with respect to the federal government. The federal government has not given their fair share with respect to health care funding. They know that across the way. We have a plan to implement, and everybody knows what that plan is, but they continue to natter and make nonsense with respect to health care in this province, scare tactics, and yet they're acting as puppets to the federal government, their fellow brother, and doing nothing to try to get money for this government.

Howard Hampton, the leader of the third party, and the Premier of this province went to Ottawa with a request to provide the funding that's needed for this province, and the Leader of the Opposition did nothing and the members of the opposition did nothing, because they don't know what to do with respect to health care. They are lacking specifics and just use scare tactics.

But all I've heard about the health care system from my constituents—and I'm very in touch with what's going on—is that they appreciate the initiatives that have taken place within my riding of Barrie-Simcoe-Bradford. This government continues to invest, and reinvest in health care services in my riding, and I appreciate it and so do my constituents.

The Acting Speaker: Further debate?

Mr Rick Bartolucci (Sudbury): The Harris government has failed the people of Walkerton. The Harris government has failed the people of northern Ontario. The Harris government is charged with the protection of people. They have failed the people of Walkerton, they have failed the people of northern Ontario; in fact, they have failed the people of Ontario.

I stand in support of the motion put forward by our critic, Mrs Lyn McLeod. I must tell you, you across the way who believe everything is right, there is a health care crisis looming in northern Ontario, especially in north-eastern Ontario, starting on June 1. There is a massive shortage of physicians, 400 across the north: 250 specialists and 150 family practitioners. We are short that number of doctors all across the north. What does this government do? It does the same thing it did in Walkerton. They realized the problem well before lives were claimed, and they sent a letter to local officials in Walkerton. What do they do in Thunder Bay, Sudbury, Sault Ste Marie and North Bay? The same thing. They send a directive to the people in those municipalities and in those jurisdictions and say, "Solve the problem." They pass the buck to the local officials. What happens? Exactly the same thing that happened in Walkerton.

You have not provided the tools to the people in the north with regard to health care. You will not listen to independent people who can give you the proper type of inquiry that is essential to ensure that this doesn't happen. What happens when someone dares to speak out about the flawed policies of this government with regard to cancer care? Gerry Lougheed Jr tried it. He said where the government had shortcomings. He said the government was guilty of health care apartheid. He said that people were dying because this government refused to act. He was right. His punishment was not being

reappointed—the most knowledgeable volunteer in Ontario, not reappointed—unlike what we would have done. We tried to appoint the best; we tried to ensure that we get independent people who are qualified, competent, dedicated, who want to devote themselves to solving the problem. This Premier, this government, is afraid to do that. They will not appoint an independent public inquiry because they are afraid of the answers they will receive. The answers are simple: You failed the people of Walkerton. You continue to fail the people of northern Ontario. You continue to fail the people of Ontario when it comes to health care.

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There's another similarity. People are hurting all across Ontario because of this government's policy with regard to not only health care, not only the environment but social services, economic diversification. There are more poor people in Ontario than ever before. What a legacy. Add to the casualties of the revolution now people dying because they chose to drink a glass of water. Add to that the thousand people who were sick. Add to that the 12 people who are still in serious condition. Add to that the people in northern Ontario who are not getting the services they require, who will die sooner because this government chooses not to act, this government chooses not to implement Dr McKendry's report or, for that matter, From Crisis to Stability, recommendations that will solve the problem in northern Ontario. You choose to turn a blind eye, you choose to walk away, you choose to allow people inferior services, all for the cause of the revolution. The revolution has casualties. There are casualties in Walkerton. It's sad to say that people are dying all over Ontario because of your failed health care policies.

The Acting Speaker (Mr Michael A. Brown): Further debate?

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in this debate this afternoon. As you can imagine, I will be supporting the resolution that has been put forward. I have a number of points that I would like to make today during the course of this debate. Let me begin, however, with the comments that were made by the member for Barrie-Simcoe-Bradford, who stood in his place a few moments ago and tried to convince members of this assembly and the people who are at home watching that the government has done a long list of things to improve this situation, the government has implemented any number of the recommendations that were made by Dr McKendry last December, and so of course the government is doing everything it can and lots more to make sure that we have enough doctors in our communities to service the needs of Ontario residents.

Maybe the member had better find out what's happening in northern Ontario, because whatever the government has done—allegedly done; I want to express that—isn't working. It isn't working for doctors in northern Ontario, for specialists in northern Ontario; it certainly isn't working for the patients of northern Ontario, who are now experiencing a shortage of family doctors that is

the most acute it has ever been in the history of this province. That is a fact. As much as the government would try to have the public believe otherwise, that is a fact.

Let me begin with the most recent underserved area list, which is published every quarter. This is the list for April, May and June of 2000. It shows that at the end of June we will have a situation where we have 106 communities in this province, including those in the north and those in the south, that have a need of some 451 doctors. That is the highest need of physicians we have ever experienced in this province at any time. It's almost double what the numbers were in 1997.

What is the government doing? If the government were doing anything with respect to physician shortage and specialist shortage, we wouldn't be seeing the kinds of numbers we are now. These numbers are the worst they've ever been in the history of the province.

What used to be a problem only in northern Ontario—shortages of family physicians in particular—now has extended to many communities in southern Ontario, communities that never had a problem before, that would never have dreamed they would have a problem attracting and retaining family physicians. In fact we've got more communities in southern Ontario that need more doctors than we do in the north. That is a first ever too.

Despite all the government rhetoric, which was just spewed out by the member for Barrie-Simcoe-Bradford, if he would take but a moment to look at what the reality is, he would see that whatever the government alleges to be doing is certainly not working. "Alleges" is probably the key word because if you look at the reality, you will see that the government has done very little to deal with what has been, and is, a growing crisis for so many of our communities.

Let me look at my own community in particular, because that's the one I have some familiarity with. Our situation as of June of this year is that we have a shortage of some 29 specialists in a variety of specialties—cardiology, emergency medicine, endocrinology, geriatrics, neurology, oncology, pediatrics, pathology, psychiatry, thoracic surgery etc. We also have in just the Sudbury region itself a shortage of some 11 family physicians, and many of those communities have been sitting on the underserved area list, desperate to try to get doctors, for at least the last five years. They have seen no positive change in their circumstance.

This is a situation just in our community right now. What is interesting is that the physicians in our community have finally come out and in the last two weeks become very public about the nature of the crisis facing our community. That is the first time I have seen physicians, chiefs of staff, in a very public way sitting down with the media and saying quite publicly, "We have a crisis in delivery of health care services in our community right now."

Members will recall that this issue was raised in this House on May 10 by my leader Howard Hampton and by Frances Lankin, who is our critic for health care. It was

raised because it was so extraordinary that the physicians would come out publicly and say, "We have a crisis and we need the government to do something." It was also raised because the nature of the crisis is so extreme that the government cannot choose to ignore it, unless the government wants to choose to ignore the health care needs of people in northern Ontario and unless the government is prepared to start flying down dozens and dozens of people to try to access care in southern Ontario, because the specialists are no longer in our community to provide that needed care.

As of June 1 we have another six doctors leaving the Sudbury region. Five of those are specialists; another is a family physician. Since January 1999, 15 doctors have left the Sudbury region. Many of those doctors were providing care not only for people in our region, but for patients who were coming from other parts of north-eastern Ontario for cancer care, for cardiac care and for neonatal care.

We have a situation that, as of June 1, we are losing a radiation oncologist, two emergency room physicians, the only full-time thoracic surgeon we had in our community and the only full-time neurosurgeon we had in our community. That's what's happening in our community as of this Thursday. That's a crisis for our community.

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What happened as the result of this issue being raised in the Legislature? On May 10, after my colleagues asked the Premier if he or the Minister of Health or someone would come to the community and meet with the chief of staff from our hospital and the chiefs of staff from the other hospitals in northeastern Ontario to see what could be done, it was announced later that afternoon that, yes, there would be a meeting the following week whereby some of the top brass from the Ministry of Health—not the minister, of course, but some of her top bureaucrats—would indeed go to Sudbury and talk to people about the crisis.

What happened at that meeting? The ministry staff came and did two things. They tried to convince the chiefs of staff who were there—there were at least five of them, plus the CEOs of the regional hospitals in northeastern Ontario—that there were things in the recent government-OMA agreement that were somehow going to resolve the crisis in Sudbury. They were quite emphatic, repeating again and again that there were details and initiatives and ideas and proposals in the government agreement that were somehow going to fix this problem.

The second thing they did was that instead of responding to two concrete proposals, two reports, that had been provided by those chiefs of staff and by the CEOs of the regional hospitals to this ministry within the last six months, the ministry bureaucrats had nothing to say about the recommendations that were provided in those two reports to stave off this impending crisis that the physicians and chiefs of staff had seen coming for the last six months—not a word, not a response.

Instead they said, "We will set up a committee and we will come back to this community with some concrete proposals about what we're going to do by November 30, 2000." It's going to be a little late by November 30, 2000, to deal with the crisis that has begun and that is certainly going to become much more acute as of June 1 when those six people leave, five of whom are specialists, two of whom are the only full-time specialists we have in their specialty in our community.

The ministry's response—I'm sure those bureaucrats were there speaking on behalf of the Minister of Health; I have no reason to assume otherwise, so in fact I should point out it is more realistic to say the government's response—was to do nothing, was to say to those chiefs of staff and to the CEOs of the five regional hospitals, "We'll get back to you November 30 with some concrete proposals about what we're going to do."

You know what? Tell that to those patients of the thoracic surgeon Julius Toth who is now leaving our community, who are now going to have to travel from Sudbury to Toronto or Sudbury to Ottawa to get care. Tell them that the ministry's going to get back to them by November 30 and see what they have to say. Or the people in our community who were dealing with the one and only full-time neurosurgeon in our community, who is now also leaving as of June 1: Tell them that it's OK, that they can wait until November 30. Up until then, they can travel to Toronto, Ottawa, London, somewhere else for care rather than get it in our own community, because the ministry won't get back to us till November 30 with some kind of concrete action plan to deal with this crisis. It's just not good enough that the government's response is, "We'll get back to you in a couple of months when we have developed some kind of concrete solution."

The other thing that really bothered me about the ministry's response was that the officials would somehow, on behalf of this government, try to suggest that there was something in the government-Ontario Medical Association agreement that was going to help, that was going to make things different, that was going to respond to the crisis we have right now in terms of a doctor and specialist shortage. That's what they tried to imply, and that's what this government's been trying to imply in northern Ontario: that there's something in this agreement that's going to take us down the road to resolving this crisis.

I want to read into the record what the chief of staff for our regional hospital has to say about the agreement. He said this May 16:

"The chief of staff of the Sudbury Regional Hospital says a new four-year agreement between the Ontario Medical Association and the provincial government will not solve the north doctors' shortage.

"It doesn't really address the problem of maldistribution of physicians in the province," said Dr David Boyle. "There has to be a commitment on the part of the government that all communities need the same access to physicians and that they need to be distributed fairly. This agreement doesn't do that."

"There is a clause in the agreement that identifies that northern issues need to be addressed," said Boyle. "It's good that the issue has been recognized, but it's only an agreement to study the issue, not to implement interim crisis solutions," which is the situation we're facing right now in Sudbury. He also said that "four urban areas in the province have an unfair share of doctors and specialists," and that has to change. "The agreement gave 'small recognition' to rural areas and a small amount of targeted funding for specialty areas, he added. But he said it falls short in a key area when it failed to address alternative payment plans."

He says again, and I quote: "Many groups want to address alternative payment plans.... But I'm not sure the contract fully addresses the issue of primary care reform, which wants to go in the direction of alternative payment."

There's the ministry staff, on behalf of the minister, pushing the line at this important meeting that there are things in the government-Ontario Medical Association agreement which are going to resolve or respond to our problems. It's clear from the chief of staff of the Sudbury Regional Hospital, who, I assure you, has read this agreement, that there is nothing in the agreement that will respond to the shortage of physicians and specialists that we face now—nothing, from someone who has read it and for someone who surely has an interest in finding the solution to the problems we are facing. If he thought there was a solution there, some kind of proposal, some kind of an idea that would make things better, surely he would be talking about it, promoting the ministry to go forward with it, but the sad reality is there is nothing in the agreement that will change the situation that we are facing now.

The worst part about it is that the government had a golden opportunity in the government-OMA agreement to make a positive change. I really believe they did. They had a tremendous opportunity to take the recommendations that came from the Health Services Restructuring Commission on primary care reform and to implement them as part of the government-OMA agreement. The government was in an enviable position. The government, going into the negotiations, had the agreement of the Ontario College of Family Physicians, which represents about 7,000 family physicians in the province. The government had the support of that college when it came to the issue of moving on mandatory primary care reform. The day after the Health Services Restructuring Commission released its report last December and said that we should move on mandatory primary care reform, the day after that happened, the College of Family Physicians released a press release and a report which said the following:

"The Ontario College of Family Physicians, representing Ontario's family doctors, today responded to the Health Services Restructuring Commission's release of their primary care reform plan.

"We're pleased that the HSRC has listened to what family doctors have said," said the executive director of

OCFP. 'For the most part, we're supportive of what the HSRC has proposed because it's consistent with what family doctors have said.' In November, after consulting widely with the public and key stakeholder groups, the OCFP released their updated plan to map our solutions to the problems facing family medicine and primary care in Ontario.

"Family medicine is in crisis in Ontario. The emergency room crisis in Toronto is ample evidence that Ontario doesn't have the right family medicine system in place to help people," said the executive director. 'We need to make the HSRC's proposals reality right now, to alleviate this crisis.'

"The OCFP is particularly supportive of the HSRC's proposal for a 24-hour-per-day/seven-day-a-week access to care; the establishment of practice groups and networks, and the enrolment of patients with a family physician. The OCFP also supports the HSRC's strategy to offer patients access to a comprehensive selection of health care services."

Finally, "The OCFP also supports the HSRC's recommendation about nurse practitioners working in partnership with family doctors."

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That was the day after the HSRC released its recommendations on primary care reform, which said we needed to move in a mandatory way, right now, to have these group practices where family physicians worked in partnership with nurses and nurse practitioners and other health care professionals to provide 24-hour-a-day, seven-day-a-week access to patients who were enrolled in that practice. The government was in an enviable position starting out the negotiations because they had the support for this important initiative from the very family physicians who would have to implement the change. How much better does it get than to have that support?

The government also had the support, for example, of the Registered Nurses Association of Ontario, because they too, the day after the HSRC's recommendations were released, said they supported the recommendations that had been made. They said they welcomed the report, welcomed the recommendation to work in a family practice with other health care professionals so that they could use their expertise to deliver excellent health care to patients across the province.

The parties that have to implement primary care were the very parties that the government could depend on for their support as they headed into these negotiations, and what did the government do? The government caved in; the government just absolutely, totally caved in during these negotiations. There is nothing that's going to happen on primary care reform for the next four years now as this latest agreement runs its course. Nothing.

The government, in its budget, set out \$100 million over the next four years, \$25 million a year, to try and encourage physicians to move into a group practice. Even the HSRC in its recommendations said it would take at least six years, even in a mandatory situation, to have that

change occur in the province. Now we have a proposal that is voluntary, that probably doesn't have anywhere near enough money to fund it properly, that's not going to work. I can't believe the government just couldn't do the right thing in this regard, especially in the face of the overwhelming support from the very parties who were going to be necessary to make it work. The government caved in completely.

I suspect that over the next four years we will see no substantive, concrete change with respect to primary health care in the province. I suspect that over and above the seven pilot projects that the government has underway—which, I repeat, the government is not going to do any more of; that wasn't part of the agreement or part of the budget either—I bet over the next four years we will see nothing more concrete or substantive with respect to a change in that circumstance than what we have in place today, that is, seven pilot projects only.

So the government wonders why we have a crisis. The government failed to show any leadership during the course of those negotiations to move forward on a critical health care issue, that is, primary care reform, patients' first point of access to the health care system. I think in northern Ontario that means that the number of underserved area communities that continue to not have access to enough physicians will continue to grow. The number of physicians that we will need in our communities to provide care will continue to grow, because those who are trying to provide care now are getting burned out and are leaving the profession. Finally, the crises in the emergency wards are going to continue to grow, because all of those people who don't have family physicians have nowhere else to go except to the emergency room to try to access health care. I think four years from now all of those numbers will have dramatically increased because the government did nothing on primary care reform.

In looking at another part of the resolution which has to do with the McKendry report, what does the government need to do? Well, the government needed to do something mandatory in primary care. They didn't do anything there; they gave up. Secondly, the government has to deal with this issue of medical school. It is becoming a more critical issue in the face of the crisis facing so many communities, like our own, who are losing specialists and family doctors every day.

It's clear to me that the family residency program in Thunder Bay, which has been established for many years now, and the family residency program in Sudbury, which was established under our government, have proven to be a success. If we have residency programs in northern Ontario and physicians come to do their residency training in our part of the province, nine times out of 10, they are going to stay in our part of the province because they understand what it's like to provide health care services in rural communities. They understand what it's like to have to develop a much more general specialty in terms of delivering health care. Some of them may even meet their partners, their future

husbands and wives, in our communities, and they will stay.

That is why we need to move now on the medical school. The government has all the evidence that it could ever need to show that it would work. All of that evidence specifically comes from the success that we have seen with the residency program in Thunder Bay and in my community.

If you look at the statistics in northwestern Ontario, because that program has been operating longer than the program in Sudbury, it is clear that the majority of family physicians who graduate stay to practise. They may not stay to practise in Thunder Bay. They go to Red Lake, they go to Manitowadge, they go to Marathon, they go to Fort Frances, they go to any number of other communities in northwestern Ontario and they stay and they serve the health care needs of the residents of those communities.

In Sudbury, even though the program has not been operating for a long time, we have seen the same thing in the first three years of the graduating classes. Over 70% of those who graduated stayed in the Sudbury area or in other places in northeastern Ontario. That is why I say to the government, you don't need any more study with respect to the medical school in northern Ontario. We have all the proof that we need that this will work. All we need now is the government to make a commitment to invest the some \$20 million that it would cost annually to run the northern medical school between Sudbury and Thunder Bay.

We don't need extensive study, we don't need a delay in the report that is supposed to be by the of July. We need the government to say now, today—in the face of the crisis that continues in the north in attracting and retaining family physicians and specialists—"We will have this medical school operate in northern Ontario," so that the students who graduate will stay in those communities to deliver health care to those people in those communities.

I just want to deal with one other issue that is particularly important to me. It has to do with cancer. My colleague our health care critic talked about the government's mistake in 1997 when they cancelled all of the radiation therapy training in this province, the outcome of which we see this year with not one radiation therapist graduating in the province of Ontario. That has certainly led to the crises we have witnessed in the last year: seeing cancer patients who have breast and prostate cancer having to be sent to the United States, to Thunder Bay, to Sudbury for care because they can't get the care in their own communities because there are not enough specialists to do so. Even if we deal with the radiation therapy specialist problem, we also have a medical oncology problem that is coming. We heard very clearly about that shortage which is looming when Cancer Care Ontario was before the public accounts committee on February 18.

The government has to do something about the terrible shortage of cancer care specialists, but the government

also has to do something about the discrimination that it continues to practise with respect to cancer patients. Cancer Care Ontario made a medical decision last year. It was the right decision to make, but because of the long waiting list they would send cancer patients out of the province or to northern Ontario for treatment so that they would get treatment in a timely fashion. Then the government made a political decision, that in order to make it easier for those patients to access care away from their own communities, this government would pay all of the costs associated with that cancer treatment elsewhere: travel, accommodation and food.

If I can refer to what Cancer Care Ontario officials told us about that, they said on February 18 to our committee, "I just want to say that our current reimbursement practice in Cancer Care Ontario is that indeed we have funds available to cover the costs of travel and accommodation for patients who are re-referred. We see this as an exceptional and temporary circumstance, as these patients would not normally have to travel long distances for their treatment."

1700

Let me say again to the members of this government: People in northern Ontario every day—day in, day out—have to travel far from home for cancer care. That is a reality. They have to drive four and five hours in north-western Ontario to access care in Thunder Bay. They have to drive three and four hours in northeastern Ontario to access care in Sudbury. And many more leave the north every day because they have to access cancer treatment in Toronto or in Ottawa. It is not fair that cancer patients in northern Ontario are discriminated against by this government because this government doesn't pay their accommodation, this government doesn't pay their food and this government certainly doesn't pay the full cost of their travel when they have to travel far from home to access cancer care too. I implore the Minister of Health to end this discrimination and treat cancer patients from northern Ontario the same as southern cancer patients too.

Mr Brad Clark (Stoney Creek): It's indeed a privilege to rise today in the House and be able to speak to this motion from the member for Thunder Bay-Atikokan. The member for Thunder Bay-Atikokan and I have had the privilege of working on the standing committee on general government for Brian's Law, on which we have so far been able to work through the system in very much a non-partisan way. I have to state that the member is a very dedicated, conscientious and very compassionate member who has worked hard for her constituents. And I have to state that when we're talking about these things, I understand how partisan politics get in the way, and I'm sure the member will attest to the fact that I have done everything I can in that particular committee to keep partisan politics out of it as we try to improve mental health care. The member for York North sits on the committee with me. The member for Hamilton Mountain also sits on the committee.

I say all these things because as we debate things in the House, from time to time—more often than not, apparently—we will disagree across the floor. But from time to time I also hear—and I have to state it sometimes offends me—that members of the opposite side, and even on our side, will question whether or not the other side cares about an issue. I don't think that's the case at all. I think the government—

Mr Gerretsen: You care but you're not doing anything about it.

Mr Clark: The member says I care but I'm not doing anything about it. We'll address what we're doing. But I think it's important that we recognize that the government side not only cares but is compassionate and is trying to address the issues.

I think it's important that we recognize that the issues raised in the motion are not anomalies to just Ontario. Every province in Canada is dealing with similar issues. The member for Nickel Belt raised the issue of doctor shortages in her community. The member for Hamilton Mountain can attest that we just went through this with Hamilton Health Sciences in Hamilton—a large urban centre with 500,000 people. Hamilton Health Sciences has a shortage of 90 specialists. Now, if you go across the country, it's not an anomaly because if you go back in time, if you go back 20-some-odd years or further and you look at actuarial studies, you can recognize where the problem started. I'm not going to get partisan. Previous governments of all stripes generally did short-term planning when it came to health care. As a matter of fact, they did short-term planning when it came to just about anything in government. And we're now in a situation where we have to do long-term planning, and that's what this is really about.

I appreciate the member bringing the motion forward because it gives us an opportunity to talk about what the government is trying to accomplish. She may not agree that we're doing enough. She may have other ideas all round. But to simply state that we're doing nothing is not fair. I'm not casting aspersions on the member. We heard comments from the other side that we're doing nothing. That's unfair. We are doing something. They may not agree with what we're doing, but we are doing something.

It's ironic that while we're talking about health care here today, talking about doctor shortages and talking about nurses and talking about cancer, the Minister of Health is in Quebec. She's in Quebec meeting with other ministers of health from every province in Canada because they have similar issues that they're trying to deal with; that's what they're there for. It is also ironic—and I found out just this afternoon—it's unfortunate that the federal Minister of Health isn't there with them. I'm not going to cast aspersions as to why he's not there; I'm just stating as a simple fact that he's not there. However, the provincial ministers of health are there and they are working together to come up with solutions for health care for all of Canada, and Ontario is leading the way.

With issue to the very first statement, "Acting immediately on the recommendations of the McKendry report," arguably it could be stated that we are. If you look at what the government has done, we are acting on the immediate short-term recommendations and we're acting on the medium- and long-term recommendations. When I spoke about the issue of long-term planning, everyone in the House said: "He's right. All governments have failed in the past because they didn't do long-term planning." That's a given. When we're dealing with this, we just can't come up with knee-jerk announcements and throw money here or there. I would ask everyone, where are the doctors going to come from? Do we have some magic where we can materialize them out of the air?

Mrs McLeod: Start now.

Mr Clark: I understand; they're saying, "Start now." Look at what we're doing. I'm a little bit surprised that they're saying this, because we're already recruiting additional physicians. Cancer care alone—they're sitting over there saying, "Start now." The member from Thunder Bay would be interested to note that we recruited 92 radiation therapists, a net gain of 52; we recruited eight medical physicists, a net gain of three; we recruited 11 physics residents, a net gain of 11; we recruited 12 radiation oncologists, a net gain of 12. I think we are recruiting.

Mrs McLeod: From other countries.

Mr Clark: The member from Thunder Bay is saying, "You're recruiting them from other countries." I'm not willing to cast aspersions on any political party, but if we go back to 1992, the enrolment for medical school was cut by 10%—again, short-term solutions to a problem they saw at that time, but in the long term you've got a problem.

Interjection.

Mr Clark: The member says, "They're to blame." I'm simply stating facts. If you go from this province to other provinces, what are they doing? They're recruiting physicians from Ontario. The United States is recruiting physicians from Ontario. We're recruiting physicians from Ontario. The member for Hamilton Mountain knows this because we spoke with other physicians from McMaster University and from Hamilton Health Sciences. They're doing everything they can to recruit here. It's very competitive now. We are doing what we can as a government to solve problems that should never have become problems, because previous governments had short-term solutions instead of long-term solutions. We're moving forward on it.

The minister responded immediately to the McKendry report by providing \$11 million to implement short-term recommendations. I'm going to list some of them here. We've heard them earlier today. I want to do it again so the people at home can hear what we're doing:

"\$810,000 to fund 15 additional post-graduate training positions in Ontario to recruit Canadian medical school graduates who received post-graduate training in the US. We are working to have the first applicants by July 2000." That's short-term. We're trying to do it now.

"\$1.3 million to increase the international medical graduate program by 50%." We're expecting the first applicants by July 2000.

"We will expand re-entry training program and provide funding of \$4.5 million for advance skills training for family doctors to provide specialties such as anaesthesia, emergency medicine and obstetrics.

"We are doubling the number of community development officers to help underserved areas recruit doctors. Timmins and Collingwood will be starting in June 2000."

We have community development officers, not simply in the north; we have them in Hamilton-Wentworth. We're working to recruit physicians to serve the citizens of Ontario. Again, they claim we're doing nothing; we're doing something. Hamilton Health Sciences announced a program not a week ago to try to solve the shortage of 90 that they have in their own facility. Again, you can throw things out and say we're not doing anything. The member says we're not doing anything, but we're demonstrating that we are. They may not agree with what we're doing; they may not agree with the speed; they may not agree with how we're doing it. They're not offering solutions in this resolution. But the reality is that we are acting. We have a plan, and we are acting on it.

1710

Dr Peter George is the president of McMaster University, a well-respected academic from my community, and he is chairing the expert panel. He is working hard to find the medium- and long-term solutions that we have to find to solve the problems we have. That's what he's doing. Again, you go back—short-term Band-Aids, or do we find the long-term solutions? I would rather have Dr Peter George working with this expert panel to come up with clear recommendations for the long term so we don't have these problems down the road ever again than state, "We don't need Dr Peter George," as some opposition members have, and, "They're just trying to slough it off somewhere, another study for another shelf." Not a fair aspersion, but that's what some say.

We're developing a framework to assess physician human resource needs, including a model to measure and monitor the supply of physician services and the appropriate mix of specialties; examine changes in enrolment at medical schools; examine the recruitment of international medical graduates; advise on changes to the post-graduate medical education system, so that the most appropriate mix of physicians can be achieved; and recommend how best to attract physicians to remote communities.

This debate on how to attract physicians to remote communities is not new. This debate on how to attract physicians to remote communities has been an ongoing debate for a long period of time. As a matter of fact, even in the United States they had a television program, Northern Exposure, about attracting a physician to Alaska. This has been an ongoing problem that numerous governments in numerous jurisdictions have wrestled with. We are working on fixing the problem. We're actually putting \$4 million towards free tuition for medical

students willing to practise in rural and northern areas. It's operational by the fall of 2000. It's a Blueprint commitment. We said we would do that; we're doing that. There's \$75 million to transfer doctors in the academic health science centres to alternate payment programs; \$100 million to expand primary care.

I heard earlier from I think it was the member for Nickel Belt—I will get it eventually; I know I keep saying Sudbury. She raised the concern of primary care reform. I don't agree with her position, but I respect her position. She would have it mandatory, immediate, done. But it's interesting to note that she stated there were two bodies supporting us: I believe the family physicians and the Registered Nurses Association of Ontario were supporting our position. I don't think they have withdrawn their support for what we are trying to accomplish. They still support it. It's a question of doing it in a mandatory, draconian way or building supports and voluntarily working with the doctors to create primary care reform. That's what we're accomplishing. We're creating partners. We're working with the physicians to arrange for primary care reform, working in unity with them to serve the constituents. To mandatorily just jam it in, you're not going to get broad-based support. So the two groups that supported the primary care are still with the government supporting it today, as we bring it in in a more voluntary manner. What's wrong with that? Nothing.

The issue of nurses has come up consistently. The document here says that "undertaking a recruitment and retention plan for nursing" was the issue. They may not like it, but we're already doing it. We brought in the Registered Nurses Association of Ontario and provided them with funding to develop a recruitment and retention strategy. It would seem to me that this would make sense. It does make sense. Ask the nurses, how do we do this? The same as what we're doing with the doctors through Dr Peter George. So we are developing that strategy. We're trying to develop that strategy using the nurses, working with them to develop the strategy that's going to work.

When you look at that and when you look at what we have done in terms of providing 226 nurse practitioners providing health care services across Ontario, I think the commitment is there for nursing and the government is clearly moving in that direction, but we're doing it in co-operation and collaboration with the professionals.

Mr Gerretsen: I would hope so.

Mr Clark: I would hope so too. There is no other way to do it, correct? You have to work with the professionals to come up with the solutions. I look at the situation in terms of collaboration and co-operation. The member for Kingston and the Islands agreed with me that that's important—"I would hope so," he said—collaboration and co-operation with professionals. There's one partner that's missing, that we still haven't got to the table.

Mr Gerretsen: The feds.

Mr Clark: The member speaks clearly, "The feds." I can remember I raised this issue a couple of months back,

in the last session actually, under unanimous consent, asking that we send a letter that they would restore our health care payments, the \$1.7 billion a year. It was denied. I don't know who said no. You never know around here, but it was denied.

Mr Gerretsen: It's usually the government House leader.

Mr Clark: I don't think he did this time.

I think it's important for people to recognize that federally and provincially we need collaboration.

I have used this analogy before: Health care is a triangle. If you think of health care in a triangle, you start to understand the need for all parties to be involved. On one side of the triangle, you've got the federal government, the provincial governments, the funding partners. You even have the regional and municipal governments, ambulances, all part of health care. On another side, you have all of the professionals: the doctors, nurses, nurse practitioners, all of the health care workers, laboratory technologists, radiologists. There are a slew of health care workers and providers. That's another section of the triangle. Along the bottom, you have the constituents, the citizens of Ontario. They're all patients. One thing all of us in this House have in common with all of the citizens in Ontario is that we are all patients. Every single one of us is a patient. We form a part of that triangle. If one section of that triangle fails, if one section of that triangle doesn't pull its weight, then it drops down and collapses. Everybody has to be there. Everybody—government members, opposition members, the federal government, regional governments, municipal governments—we all have to be there.

Unfortunately it has become a political sport, a blood sport of pointing fingers, and everybody does it. I'm not being critical of anyone, I'm not laying blame on anyone; I'm simply stating a fact. It has become fun, it's a game, "They did it, they did it."

Mr Gerretsen: No, it's not fun. People are dying.

Mr Clark: You sit here and you listen to the heckling back and forth as they point, "You did it," and then they start laughing. You know what? Partisan politics cause so many problems when we're trying to deal with policies and issues. I wish we could stop it. I wish we could withdraw all of that nonsense. That is my personal opinion. But I've got to tell you something. I think if you listen to the constituents in your riding they'll tell you the nonsense has to stop. Stop pointing fingers and start working together, coming up with solutions to the problems across the province and across the country. That's the reality.

1720

I don't care whether it's on health care, I don't care what ministry it's in, I don't care what level of government it's in, you sit down and you talk to the average citizen at home and they will tell you it disturbs them. What happened earlier today, when the Speaker had to in essence admonish the entire opposition caucus—

Interjection.

Mr Clark: They're proving my point as I stand here. That happened because emotions were flying, but it's

wrong, and you all know it's wrong. On our side we know it's wrong.

Interjection.

Mr Clark: Do you know what? I think every one of the members in this House understands the need that they are here to represent their constituents in their ridings and that's their job. All 103 of us have to—I try hard not to go down that road. The member for Hamilton Mountain knows me and has got to know me well. She knows I don't go down that road.

Mrs Marie Bountrogianni (Hamilton Mountain): They're not all like you, Bradley.

Mr Clark: We lead by example, and the opposition can help lead by example. It's time we started to recognize that when we have problems we should work together. That's what we're supposed to be doing. To have someone come into the House and state that we're doing nothing on health care, that we are failing the people of Ontario, is an unfair aspersion. It's their opinion that they don't like what we're doing, but to state that we're failing, to state that we're doing nothing is grandiose rhetoric that does not give credit for anything we're doing.

I can go back, and I would encourage you to do so also, and look at the headlines for the past 20 years. Tell me that your government or the previous government fixed all the problems. If you go back and look at the headlines, you will see all of the anomalies, all of the complaints, all of the nonsense that has gone on, and again it was short-term solutions. We're a government that's looking to the long term. We're a government that's trying to fix the problem for the long term. That's why the McKendry report's short-term recommendations came through and that's why Dr Peter George is moving on and looking at it from a long-term perspective.

I think it's important that we recognize and give credit where credit is due. If you don't like a policy, say so; absolutely, say so. But I take great offence when any member of this House stands up and slights another member on a personal level and says we're doing nothing, or that we don't care, or that we don't have the compassion, or that we don't have passion for our constituents, that we have no feeling. Absolutely nobody in this House should be saying that against anyone else, and that's the reality. Thank you very much.

Mr Gerretsen: If there is one thing I agree with, it is that that member says the nonsense has to stop. I totally agree with that. I would like him to explain to me why this government is constantly attacking the federal government for the money that has been cut out from the transfers, something like \$1.5 billion, when you in your own budget document had an excess in revenue this year of \$4.3 billion. That's a fact. You had enough money to deal with the health care problems of this province if you had wanted to. So stop your silly ads during all the hockey games and tell the Minister of Health that we've got the money in the coffers of the province of Ontario. That's a good place to start.

There are currently 106 underserved municipalities. If there is one issue we're all hearing about more than any other, it's the fact that there aren't enough family doctors. Your own ministry documents clearly indicate that we are short 451 family physicians in this province. What is McKendry saying? He's saying there should be immediately, this fall, 55 new places set aside in our medical schools for new students. What are you doing about that? Nothing. Have you authorized any further places in the medical schools? None whatsoever. The only thing you have done is allow 12 foreign-trained physicians new residency places in our hospitals. You tell me how 12 new spaces are going to deal with the 451 family physicians that we are short in this province.

Let's look at another issue. Over the next five years, one in every four of our physicians in this province is scheduled to retire, according to the OMA; one in four. What are we doing to deal with that? What's this government doing? Absolutely nothing.

Figures have indicated that we need at least 60,000 to 90,000 new nurses in the next 10 years. What's being done about it? Absolutely nothing.

The Provincial Auditor's own report indicated that 32%—and I keep coming back to this because it is something that affects each and every family that has had the tragedy of cancer strike them—of all the cancer patients out there do not get treatment within the required four-week period that treatment should start.

Now the minister said, "Well, it's up to 35%." What about the other 65%? Why aren't we setting the funding aside to make it happen? What does this government do instead? It's stonewalls the situation, just like it has stonewalled every other situation.

Look at what's happening in Walkerton right now, which is the primary health issue in this province. Are we dealing with that problem effectively? No. Does the Premier allow for an independent judicial inquiry? No. Stonewalling. He wants a legislative committee that is dominated by Tory members, that takes direction either from him or from the government House leader, to look into this issue. Why not an independent judicial inquiry?

What about the fact that contempt was found by the Speaker of this House that our privileges were breached? There was a *prima facie* case. He said that there was contempt of this House. Are you allowing an independent commission to take a look at that? No. This government is only interested in one thing, and that is stonewalling each and every situation as it affects the health care of our residents in Ontario.

This government has finally been found out, and it is indeed a very tragic situation. It took the unfortunate situation of Walkerton for people to finally realize what this government is all about.

I say to the members opposite, this is the most non-partisan resolution that has been brought forward in this House over the last five years. It simply states and recommends that we act immediately on the recommendations of the McKendry report, that we develop a provincial strategy for the training and recruitment of

cancer professionals and that we undertake a recruitment and a retention plan for nursing. What could be less controversial than that? Again, you are stonewalling. I urge the members of this House to support this resolution.

Ms Caroline Di Cocco (Sarnia-Lambton): I'm pleased to speak to this motion, which in fact is about this government not having moved to address a shortage of doctors, a shortage of nurses and a shortage of cancer treatment professionals. To be able to deal with an issue or with a problem, one has to admit that there is one. Otherwise, you can't resolve it. Up until just a couple of members ago, I heard again that there's not really a shortage, there's a distribution problem. Thus, there's the crux of the problem. We can't resolve something if we can't admit that there is an actual problem.

1730

Unfortunately, one of the problems I have encountered in Sarnia-Lambton has to do with what we've been hearing about in the last number of days, and it deals with the medical officers of health. I have to say that when it comes to my riding of Sarnia-Lambton, and Chatham-Kent is also affected—by the way, the medical officer of health in Lambton county is Dr Greensmith. What it involves of course is testing the water of Lake Huron, and it involves Sarnia Bay and the St Clair River. They test it for contamination and then they post signs when the water is unsafe. As well, he's charged with the immunization of the schools, seeing possible outbreaks, epidemics—we had a meningitis scare in Sarnia in 1993—the distribution of medicine, and to quell public fears and uncertainty. So we need these medical officers of health that we take for granted.

I'd like to tell you what has happened both in Sarnia-Lambton and Chatham-Kent. At one time, both constituencies had a full-time medical officer of health. What do we have today? We have a part-time officer, the same person for both constituencies, who spends two mornings a week in Sarnia and one morning every two weeks in Chatham-Kent. This happened since 1998. So if Dr Greensmith has this limited number of hours that he can spend, because in actual fact you see he's retired, we really don't have anyone to fill those two spots.

If there is an emergency, how would the communities know? How would they even know? We don't have medical officers of health who are there to fill in and do their job in the capacity that they did in 1998. Again, that is another area, and it goes again to the crux of the issue of Walkerton. I have to say it is the revolution of the Harris government of cuts and less government, that has this mantra that all they want to do is downsize and download and privatize, and I believe that what has happened in Walkerton rests squarely on their shoulders. I believe that your—and I'll use the term—revolution is not "a friend of the people." It's an enemy of the people.

Mr Gerard Kennedy (Parkdale-High Park): It is a pleasure to join the debate. The constructive motion put forward by my colleague from Thunder Bay-Atikokan unfortunately, at least to date, has not been met by proper acceptance on the other side of the House. I think people

watching the events unfold in Walkerton can now understand that the stonewalling, the cover-up, the hiding from the facts is a pattern. It's an attitude, it's an outlook of this government that certain things happen not because of accidents but rather because of wilful neglect of a compliant backbench that will not ask questions, that will not demand whether hospitals are being closed, that will not demand why nurses and doctors do not want to serve in this province and that do not demand what the impacts are of eviscerating important areas and departments like the Ministry of the Environment. That's the flaw, perhaps the fatal flaw, in this particular government.

We see it again today. We see, instead of a government willing to come to terms with the challenges that the virtue of their office brings them, that they want to diminish, belittle and put aside the real reasons they are there. Instead, they resort to uniform propaganda, to centralized planning. It's not just the backbench; it is ministers who have been in place in terms of long-term care, in terms of health care, who are unwilling to advocate effectively to make sure services are there, ministers too timid to put in place, for example, standards that would protect the working environment for nurses and doctors. What we've had over the last number of years, five years, in fact, is the negative impact this government has had, causing nurses not to want to practise in this province, forcing them to work for private sector operators, for example, as they've downloaded nursing services in the community sector to private companies, often to companies that simply don't have the standards in mind for the people who need to be served.

We've seen time and time again, in community after community, nurses made culpable for the rationing of health care, for putting health care on a dollars-only basis. We have not heard any independent voices from the members opposite, nothing from this government that would acknowledge that they've made an experiment with the health and the lives of the vulnerable people in this province that has gone wrong. That's what's writ about health care. If you look in the estimates, where is the money going that this government trumpets it is spending on health care? It's not going to patients. It's not making its way into the environment for nurses to be there at the bedside. We have instead, incredibly, \$4 billion that this government would like to spend on building us smaller hospitals, building us fewer locations for patients to attend, fewer patients being able to be accommodated in those locations, and yet this government would spend \$4 billion. That's where \$1 billion of the so-called surplus was deposited last year. It was on this government's commitment to its own incompetence.

What we have not seen from this government is an awakening that this resolution today would ask of them. In some ways its requirements are modest. It says, get working on making sure that people have access to doctors; have a strategy in place to bring nurses back in, which goes right to their working conditions; make sure that you rectify the mistakes you've made chasing cancer professionals out of this province and bring them back. It

would take too much. It would take a change in attitude, a change in outlook on the part of this entire government. As we've seen with the stonewalling on Walkerton today, as we see in other actions by this government, that is too much to request of this government, that they stand in their place, represent the people who sent them here and look after the health care of the residents of this province.

Mr Dwight Duncan (Windsor-St Clair): I rise today in support of my colleague's resolution, the opposition day resolution, that I think succinctly underlines the fact that we have a huge shortage of doctors in this province, a huge shortage of cancer treatment professionals and, of course, of nurses.

I should tell you, as a result of the McKendry report I did a little research. You know what I found? I found that in Ontario today, speaking directly to the question of medical school enrolment, with a population of approximately 11.6 million, we have 551 first-year medical placements in Ontario. The province of Quebec, with a population of 7.4 million, has roughly the same number, approximately 551 first-year medical placements. The state of Michigan, which has a slightly smaller population than Ontario, has 681 first-year medical placements in that jurisdiction. The state of Illinois, with a population slightly larger than Ontario's, approximately 12.4 million, has almost 800 first-year medical school placements. Interestingly enough, the state of Ohio, with a population almost identical to Ontario's, has more than 900 first-year medical school placements in that jurisdiction. I would submit that McKendry underestimated the number of first-year medical school placements we need and that the government and this House ought to consider that reality.

But it's clear in this debate, as it's been so clear today and throughout this session, that this government has no intention of listening. This government, as it's done in the case of Walkerton, will shut down our discussions, as it did earlier today on the obstruction charges laid against the Ministry of Finance by the privacy commissioner. They shut it down.

The people of Ontario should also know what the government just did this afternoon quietly in this House. They tabled a closure motion, a time allocation motion on the most sweeping education bill we've seen since they jammed through Bill 160. They've appointed the times that this should be held. They've appointed where it will be held. There was no negotiation. Yet on Walkerton they want the same kind of kangaroo court. It's nonsense. This government doesn't want to discuss these issues. This government wants to stall, delay, stonewall and, generally speaking, not deal with the truth.

You're not going to get away with it. You won't. My colleague today brought it home I think for everyone in this House on Walkerton, which you shut down today. We wanted to change our resolution and you wouldn't allow it.

Interjection.

Mr Duncan: You can make all the comments you want. There's a two-and-a-half-year-old baby girl dead as

a result of the water situation. The stonewalling and the deception and the closures and the allocations will end, and I'll predict that that stone wall will fall on that government and crush you in three years, because what you've done today and what you've been doing throughout this session is an absolute travesty and a crime, and you will pay more than you can imagine soon enough.

1740

Mrs Bountrogianni: It's my pleasure to stand up and support my colleague from Thunder Bay-Atikokan's motion in this debate. I would like to first respond, however, to some comments made by my friend and colleague from Stoney Creek. He said that we got emotional earlier on in the House and that led to nonsense. When people die as a result of a poor water testing system, yes, we get emotional. What a cold society we would be if we sat here and coolly accepted that. Of course we got emotional. If we could feel 1% of what the parents of that little girl are feeling right now, we'd be screaming all day.

You cannot talk about health care without talking about the environment. What has happened in the last week is only the tip of the iceberg. If anything positive can occur out of what has gone on in the last week, it could be that finally, after a decade of ignoring the environment and the health hazards associated with the environment, maybe something will occur. Maybe the public's attention now, after this awful tragedy, will turn to the future of our children, because the environment is the future health of our children.

Speaking of emotions and health care and nonsense, I'd like to talk to you about one of my constituents and the nonsense she went through in order to get radiation therapy, the emotions that she went through as a 54-year-old grandmother-to-be who had to choose, should her husband come with her to Buffalo to support her in her radiation therapy, or should he stay on Hamilton Mountain to support their daughter, who was about to have a baby? Being the wonderful person that she was, she chose to go alone. Her case history is amazing. This lady is a nurse. Let me tell you something about medical professionals. When they get sick, because of their knowledge, their stress is at a more increased level than ours.

She had a routine breast screening which showed need for a biopsy. She had her first lumpectomy on October 20, the second on November 10. She then had an initial radiocardiology consultation in January. She was told she needed radiation therapy very quickly; it was very serious. Mrs Volkers was told she had four to six weeks to wait in the Hamilton radiation program. Her choice was to go to Thunder Bay with one return visit in six weeks or to go to Buffalo with visits every weekend. She chose Buffalo. She wanted to come home on the weekends and see her daughter and her family.

On February 3 it was confirmed in Buffalo that she would be admitted. Cancer Canada sent a cheque for \$7,000 a month later and she finally, in March, got to

Buffalo. This started in the fall of 1999, and finally in March 2000 she was in Buffalo. She has nothing but good words to say about the Roswell centre in Buffalo, but she is also astounded at the amount of money that Canadian taxpayers have to pay to the United States for this.

About a year ago, radiation therapists—actually, this takes longer than 30 seconds, so I will share the remainder of my time.

Mrs Sandra Pupatello (Windsor West): I did want to be on record so that the people who live in Windsor West understand that all of us here realize that doctor shortage is an issue across Ontario today. People in this House will remember that for the five years I have been in this Legislature we have been talking about doctor shortages in Windsor. We are looking at some 50 general practitioners that we need; we are looking at 30 to 40 specialists that we need where I come from. When I look at headlines today and realize that our children's mental health agencies do not have the kind of support from social services or whatever method of funding there is going to be—we don't have children's psychiatrists to deal with the issues at hand where I come from. We have a very high incidence of children who need help where I come from and they cannot access the specialist services we require in the Windsor area.

So I applaud my colleague from Thunder Bay for bringing this forward today, for once again putting it on the block for the government to consider. It is something that cannot just be talked about in the budget when the crowds are there so that when people are waiting to see what is being done you can hand them some kind of sentence to say, "We put something in our budget." We need to see action where I come from. We need to talk about who is enrolling in medical school. What are the numbers like? Are we planning for the future so that those numbers will increase as our population does, never mind making up for the number of communities that are without services today?

We have read repeatedly about the north and the troubles and tribulations that people there face because they cannot access care. If the people here in this House will recall, Windsor was the first southern urban community that applied to the northern rural program to be designated under shortage of doctors. We did it at the time because the then Minister of Health, Jim Wilson, said we couldn't even talk about it because we hadn't even applied for the program. The program has not

helped us, and since our designation we have fewer doctors today than we had then.

The Acting Speaker: Mrs McLeod has moved opposition day number 4. Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. It will be a 10-minute bell.

The division bells rang from 1747 to 1757.

The Acting Speaker: Members please take their seats. All those in favour of the motion will rise one at a time.

Ayes

Bartolucci, Rick	Duncan, Dwight	McLeod, Lyn
Bountrogianni, Marie	Gerretsen, John	Patten, Richard
Boyer, Claudette	Gravelle, Michael	Peters, Steve
Bradley, James J.	Hoy, Pat	Phillips, Gerry
Christopherson, David	Kennedy, Gerard	Pupatello, Sandra
Cleary, John C.	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Lankin, Frances	Ruprecht, Tony
Cordiano, Joseph	Levac, David	Sergio, Mario
Di Cocco, Caroline	Martel, Shelley	Smitherman, George
Dombrowsky, Leona	Martin, Tony	

The Acting Speaker: All those opposed will please rise one at a time.

Nays

Arnott, Ted	Guzzo, Garry J.	Newman, Dan
Baird, John R.	Hardeman, Ernie	O'Toole, John
Barrett, Toby	Hastings, John	Ouellette, Jerry J.
Beaubien, Marcel	Hodgson, Chris	Sampson, Rob
Chudleigh, Ted	Hudak, Tim	Snobelen, John
Clark, Brad	Jackson, Cameron	Spina, Joseph
Clement, Tony	Johns, Helen	Sterling, Norman W.
Coburn, Brian	Johnson, Bert	Stewart, R. Gary
Cunningham, Dianne	Kells, Morley	Stockwell, Chris
DeFaria, Carl	Klees, Frank	Tascona, Joseph N.
Dunlop, Garfield	Marland, Margaret	Tilson, David
Ecker, Janet	Martiniuk, Gerry	Tsubouchi, David H.
Elliott, Brenda	Maves, Bart	Turnbull, David
Flaherty, Jim	Mazzilli, Frank	Wilson, Jim
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Murdoch, Bill	Young, David
Gill, Raminder	Mushinski, Marilyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 29; the nays are 50.

The Acting Speaker: I declare the motion lost.

It being past 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1800.

Evening meeting reported in volume B.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Bramalea-Gore-Malton-	Gill, Raminder (PC)	Lennox and Addington	
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Burlington	Jackson, Hon / L'hon Cameron (PC)	Kingston et les îles	
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Chatham-Kent Essex	Hoy, Pat (L)		longue durée
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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No. 63B

N° 63B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 30 May 2000

Mardi 30 mai 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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Hansard Reporting and Interpretation Services
3330 Whitney Block, 99 Wellesley St W
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 30 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 30 mai 2000

The House met at 1845.

ORDERS OF THE DAY

EDUCATION ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILITÉ EN ÉDUCATION

Resuming the debate adjourned on May 17, 2000, on the motion for second reading of Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / *Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.*

The Acting Speaker (Mr Tony Martin): I believe the member for Renfrew-Nipissing-Pembroke had just finished speaking, so it's comments and questions.

Mr Gilles Bisson (Timmins-James Bay): In response to the speech that was finished the other day by the member from Renfrew, I've got to say I agree entirely with one part of the discussion he had—I went back and read the Hansard because I knew I would be here this evening and would have an opportunity to respond—and that is, why is the government all of a sudden deciding that it's going to move forward and try to force, by way of legislation, what teachers have been doing for a long time by way of volunteering? It's absolutely silly.

This afternoon, the member will be interested to know, I had an opportunity to speak to students from the J.R. Nakogee School out of Attawapiskat. They were here visiting our Legislative Assembly as a result of the Ontario Young Travellers program that you know about well, Mr Speaker, as you have students from Sault Ste Marie as I do from Timmins-James Bay, who come down to visit. They said, "Mr Bisson, what is it we're debating today in the Legislature?" I explained that we were debating Bill 74, and they said, "What is it?" I said, "Bill 74 is all about trying to get teachers, by way of legislation, to be forced to do what they're already doing by way of volunteering." The children laughed. I think that is a response we should give to this legislation. It's absolutely ridiculous.

Why is the government deciding to do this? It's because they've decided, for political reasons, that they want to get into this whole politics of bashing teachers. The Tories figure, for whatever reason—I disagree—that it's good politics and that there are good ideas as far as advancing their political opportunities are concerned by going out and banging up on teachers and trying to pretend that the teachers are not working hard, that they're not doing the things they've got to do in our system. I say shame to a government that takes a position like that.

I think the comments the member from Renfrew made the other day on that point were perfectly valid, and I will speak to it more a little bit later.

Mr Joseph Spina (Brampton Centre): As usual, the member from Renfrew is always extremely eloquent in his comments. Frankly, even though many times I disagree with him, I enjoy listening to him and I have a great deal of respect for his thoughtful comments. However, particularly with what he has said on Bill 74, I think that as the husband of a high school teacher and as an individual most of whose friends are all teachers in the system—

Mr David Christopherson (Hamilton West): Still?

Mr Spina: Yes, still. You know, we may disagree on issues, but at least it doesn't harm our friendship.

What we have to keep in mind is that many of the boards, many of the teachers are extremely dedicated individuals. Frankly, there are a lot of people in the system who are already doing this. However, there are people who disagree, who want to make a point of it, who want to make a challenge out of things. In that case, let me say that this government is up to the challenge. We want to do what is best for the students of this province. I know we only want what the teachers want, and that is to do a good job for the children of our province.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I want to congratulate my colleague from Renfrew for the great speech he made. I just want to say a few things about the education system. I went through it myself, my children went through the system, and my grandchildren. Right now the teachers and the staff are finding it harder than ever before. Just last weekend they were moving stages from one location to another. The teachers were volunteering their time on a Saturday to raise funds because they were short of different materials in the classroom.

We're going to order those teachers to volunteer more of their time? They volunteer after school, they volunteer before school and they volunteer on Saturdays and weekends. We've got a lot of excellent teachers in our part of Ontario and I know they do what is good for our families and our children.

I don't like to see the confrontations that may happen over this bill. If we ever needed a place for our students—it's different now than it used to be. A lot of them come from broken homes and they depend on their teachers so much to look after them, and they confide in them. Some of them don't have everything they need at home. I know the teachers are doing their best. They have large classes. The government should work with them and not have any more confrontations with the teachers because, after all, when you have that, it's only the students who suffer. I'm proud of the teachers. They do a great job. I know that if we have too much confrontation we'll be short of teachers.

Mr Christopherson: I would like to commend the member for Renfrew-Nipissing-Pembroke. Anyone who had an opportunity to watch the House earlier today—I would go so far as to say even government members, in a non-partisan way—would have to acknowledge the talent and experience this member brings every time he stands, and speaking to this bill is absolutely no different.

I think it says volumes about this government when we hear the government defending this by saying, "The vast majority of teachers are doing this and we're passing this legislation to go after the few bad apples that exist in every barrel." What nonsense. I sometimes wonder where the backbenchers in particular get the gall to stand up and offer up these arguments and keep a straight face.

Your track record around teachers is pathetic. It has been one attack after another. You only need to cast your mind back to a few years ago to remember that there were 120,000 teachers, virtually 100%—notionally, nominally, a couple of points below—of the teachers, 120,000 of the least militant workers in our society, who were out on the streets protesting what you were doing. That's just one example.

We've got teachers now who are so stressed out and demoralized that I have family docs saying to me in Hamilton, unprompted by me, that they've never had so many teachers who are their patients off on stress leave, on long-term disability. This is what their own doctors are saying about what you're doing to this profession.

Later on we'll get a chance to talk about the fact that you've now tabled a motion that's going to strangle debate yet again.

The Acting Speaker: Two-minute response.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I thank my colleagues for their comments. I really have very serious concerns about Bill 74, and I have more concerns tonight than I did 10 days ago when I made my remarks on second reading. I want to be clear: I intend to vote against this bill and I intend to work against this bill, because in my view its faults are many.

It represents a massive centralization of power to the government of Ontario. It has draconian powers that throw all measure of fairness out the window. I can't believe that my friends opposite really want to endorse a piece of government legislation that gives so much power to one side in the equation. The collective bargaining sanctions and balances and provisions that would normally be in place in a modern, progressive society are thrown out the window by Bill 74. It's unfair, it's unbalanced: draconian powers to the Ontario Ministry of Education and to the provincial cabinet, and a complete evisceration of local school boards in places like Renfrew and Simcoe and all the other communities across the province. It continues this systematic attack on the teaching profession, by Mike Harris especially, and by his government.

I met the other day in the city of Pembroke with a group of teachers from all across the county of Renfrew. They were as dispirited and demoralized as I've ever seen them. They know there are problems. They know there have to be adjustments. They look at Bill 74 and say, "Is this all we can expect from our provincial government?"

I had today in the mail two letters: one from Marion Neill in Arnprior and another from Norma Quinn at RR4, Cobden. They say to me: "We're fed up being attacked by our government. We want some respect."

They deserve respect, because as my friend from Cornwall said, "We are now embarking on a time when the teaching profession is going to be more, not less, important and teachers are going to be in increasingly short supply."

At best, Bill 74 will be a pyrrhic victory. Mr Harris, you're going to regret this because the unintended consequences of this policy will come back to hurt you.

The Acting Speaker: Further debate?

Mr Bisson: Extremely good comments by the member from Renfrew. I couldn't agree more with the last comments he made.

I want to take these mere 20 minutes I have to outline to the best of my ability what I think this bill is all about and what it means, not only to teachers in the communities I represent in Timmins-James Bay but also to the kids, because at the end of the day this is what this is all about. This is about affecting the education of children across this province, and for myself, the children within the riding of Timmins-James Bay.

There are three major parts to this bill, as I see it. In the first part under Bill 74 the government is saying, "We would like to be able to force by way of legislation what teachers are already doing now by way of volunteering." Absolutely ludicrous. Have you ever seen something stupider than what the government is up to?

We are all children of the public or the separate school system of the province of Ontario. All the members of this assembly have gone through the school system at the primary and secondary levels; some have even gone further. We know that when we went to school the person who ran your basketball team, the person who ran the

chess club, the person who ran the debating society, the people who ran the various organizations and clubs and activities in our schools were—who? It was the teachers.

They did it because they wanted to do it. They did it because they understood that was part of what they wanted to do as teachers and was part of their responsibility. We all know the reality when we look back at the schools we went to. I look at école secondaire Thériault in the city of Timmins. There was hardly a teacher who didn't volunteer. They all stood up to the bat and said: "It's my turn. I want to give back to the children what I got when I went through the system. I want to make it better."

I resent a government that comes to us today and says, for political reasons, "We will, by way of legislation, force what teachers are already doing because we think it's a political thing to do." That's what this is all about. It's about politics. It's about a government that is always picking enemies and trying to pick on one group or another to advance its own political agenda and its own political situation within the province of Ontario.

We saw it. The government in the early days of 1995-96, when they came to government, made welfare people the scapegoats of government. Everybody stood there and said, "Maybe there are some problems with these welfare people so I won't say anything." We let that go by. What was it all about? It was about a government trying to advance its political opportunity by bashing a group; in that case, welfare people.

We saw them choose all kinds of other opponents. One thing we have seen consistently with this government is that they have picked a fight with teachers at every opportunity. Why? Because they believe that politically there is political fodder to be had by way of bashing on teachers. That, simply, is what this bill is all about.

The reality is they already volunteer. I would argue, as it was argued by the member from Renfrew, that if you all of sudden by way of legislation—you're going to do it, because we know you've time-allocated this bill; there will be no real public debate, no real committee work—force what teachers are already doing voluntarily, they will resent it.

Let me suggest to you, as members of this assembly, that if I as a member of the government were to enter this House having designed a bill that basically carried the idea that I would force you to do your job as constituency people in your riding, and say that you shall go to five constituency events on Saturday and three on Sunday and have no time with your families—that's what you're doing—you would resent it and you would say, "The heck with you." Quite frankly, you wouldn't accept it and you'd find ways to undermine what I was trying to do by way of legislation.

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I suggest that's what you're going to be doing by way of legislation. You will frustrate teachers, you will create a poisoned atmosphere that, at the end of the day, will create a situation completely the opposite of what you

want. I argue teachers will not be as co-operative as they've been in the past, not because they want to get back at you as the government, but because by way of human nature, we don't like to be forced to do the things we're already doing. We see that as an intrusion into our personal decisions. So I say to the government on the first point, the first part of the bill, that by forcing teachers to do what they already do voluntarily, you're going to do completely the opposite.

The second thing you're doing with Bill 74 is trying to figure out a way to make teachers work harder and longer in the classrooms of Ontario. Again, this is all about politics. You have the belief somehow that somebody who teaches in a class somewhere in Ontario, at either the primary or secondary level, has an easy job. You're trying to build on the politics of this issue. You're trying to make people believe what they think they already believe, which is that teaching is an easy job.

I suggest any of the members of the assembly spend some time in a classroom. I've had the opportunity. I taught in the high school system for a couple of years as a trades teacher. I'm not a qualified teacher, but I taught in the trades capacity, and it's not an easy job. You're dealing with kids from grade 9 to grade 12 or 13 if you're in high school, and obviously younger if you're in primary, a number of whom don't want to be there. You have to find ways as an educator to motivate those kids, find ways to inspire them to learn what you know they're going to need to compete out in the real world. It's a tough job.

I had an opportunity last week to go to l'école Saint-Charles, I think it was, in Timmins to participate with grade 8 students on the whole issue of the Upper Canada Rebellion. The history teacher invited me in and said, "Would you come in, Gilles, and talk a little about the Upper Canada Rebellion and how that eventually led to the system of democracy we have today?" I only had three classes, the three grade 8 morning classes. By the end of it I was exhausted: 25 kids in each class, trying to hold their attention, trying to make sure they understood what it was I was trying to pass on, trying to deal with discipline the best I could. At the end of only three classes I walked out of there pretty wiped. I'll tell you, if I had the choice I wouldn't be a teacher, especially in Mike Harris's Ontario, because it is a tough job.

What you're doing in the second part of this bill is trying to increase the time teachers spend with students in the classroom. You're somehow trying to make us believe—the parents of the students and everybody—that this is a good thing. My argument is that it's going to lessen the quality of education.

For example, at the secondary school level, there is an eight-period system we operate in. Currently, in most boards teachers teach for six periods, they have one period for lunch and they have one period to prepare their classes, mark their exams and do all the things they've got to do.

Here's my point: Imagine, if you will, that you're an English teacher. As an English teacher, you're giving out

writing assignments to your students. Let's say that the writing assignment is a four-page document. You have four classes you teach English to, and two of whatever else. You're going to have to come back and read all those assignments of all 25 kids in each class, four pages each, in detail, make sure they've used the proper spelling, proper punctuation, have formed good sentences and that grammatically their writing made sense. It takes time. It takes effort on the part of the teacher to actually read what the student wrote so they can make constructive criticism about where they've got to increase their English literacy skills.

If you turn around and do what you're doing in this legislation and take away whatever preparation time they've got, you're going to be increasing the workload on the teacher to the point—what do you think they're going to do? Are they going to keep giving the amount of assignments they're giving now? Of course not. Teachers will give fewer work assignments, or conversely, they will not spend as much time grading those papers as they did in the past.

What's the effect? Students are going to get less quality education as time goes by. If we're to believe you, what you're trying to do with this legislation is increase the quality of education. Quite frankly, you're going to get completely the opposite, because what this bill does is force teachers into a situation where they're going to have to figure out how to deal with the extra workload either by giving fewer assignments or not spending the time they need to do the kind of quality of assignments they do.

I hear this government talk about the importance of the three Rs. Well, you guys wouldn't even know how to spell three Rs if they were out in front of you, obviously, by way of this bill. I say to the government, shame. This is wrong-headed, this is in the wrong direction. This is not a question of too far too fast. You're going in the wrong direction.

I say to the government, on the first and second parts, you've failed quite miserably. Before I move to the next part of the bill, I want to say to people watching out there that sometimes the public is led to believe or has the feeling that teachers don't work too hard and are too highly paid as it is. I just make the offer to any citizen, take the time, go into a classroom and try to do what our teachers are doing. I don't want to put teachers up on a pedestal, because that's not the point, but the reality is that it's a very difficult job. Imagine being with 25 kids six periods a day teaching English or teaching mathematics or teaching whatever it is.

Across the way you're making sour faces. That goes to show how smart you are, because you have no idea what's going on in education. That's a scary thought, because you're in charge. It is not an easy job. If what we want to do is to create an atmosphere in which to increase the quality of education in the province, you're going completely in the wrong direction. You've got to provide the supports we need within the education system to

make that happen, and you're certainly not doing it by way of this bill.

The other thing you're doing in this bill is the question of compliance. This is really a scary part. A section of this bill takes the power the school board trustees have, the little they have left after the government made changes to the legislation last time, and says that the government, the Minister of Education, may go into a school board and make any changes they want in decisions the board made in regard to how they run their board.

Under the compliance section of this bill, previously the minister only had the power to appoint an investigator and force compliance if a board was being defiant on its budget, as we saw recently with what happened in Essex. In other words, school boards were not allowed to run a deficit, and if a school board did, the minister had the right to hire an investigator and the investigator was able to look into that and to make recommendations to the minister, who then would be able to make the changes. Now, under this legislation the minister gets to run everything, more or less, because she can enforce compliance on curriculum, on co-instructional activity, on class sizes, on instructional time, on trustees' honorariums or expenses, or a violation of the funding formula envelopes. In other words, the Minister of Education and Mike Harris have taken complete control of our education system.

I just want to repeat what one learned school board trustee said in North Bay about 15 years ago: "I shudder to think what would happen if we put education in the hands of the province of Ontario."

Interjection: Was that Mike Harris?

Mr Bisson: Exactly. The person who said that was a school board trustee out of Nipissing who is now the Premier of Ontario: Mike Harris. What a flip-flop. The guy who was a school board trustee and said he didn't trust the province to run the education system then comes to power and gives all the power to the province. I say he's being a hypocrite, totally hypocritical, because what you're doing in this is taking away the ability of school boards to make the kinds of decisions they've got to make on the local level to deal with educational requirements within their community.

Hon Rob Sampson (Minister of Correctional Services): That's unparliamentary.

Mr Bisson: No, I will not withdraw; he's a hypocrite.

Hon Mr Sampson: On a point of order, Speaker: I think if you look back on what was just said a few minutes ago you might find that the comment of the member opposite was a shade unparliamentary and would ask that he withdraw.

The Acting Speaker: You're correct, it is, and I would ask the member to withdraw it.

Mr Bisson: Mr Speaker, he is a hypocrite, and I am not withdrawing it.

The Acting Speaker: You will either withdraw it or get named.

Mr Bisson: Well, considering I'm House leader, I guess I withdraw.

The Acting Speaker: Did the member withdraw?

Mr Bisson: I did.

Mr Speaker, there are words I cannot use in this place that are unparliamentary. I'm not qualifying what I'm saying, but it's very frustrating. Day after day we come into this House or people watch what's happening, either what's going on in this House or the comments of ministers in the government, and day after day they try to make things out as the opposite of what they truly are. As a member of the assembly and as somebody who lives in this province, I get truly upset about what they do.

Back to the point. The point is—well, I can't go there because it's unparliamentary. That blocks that idea.

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Mr Dave Levac (Brant): Paradoxical.

Mr Bisson: Paradoxical—yeah, yeah, yeah.

Anyway, I come back to the point of what this bill does. This bill simply goes in the wrong direction. It's not a question that it's going too far, it's not a question that it's going too fast; it's a question that the government is trying to do by way of legislation what teachers have been doing for quite a long time.

En éducation, on sait très bien que le gouvernement conservateur, les membres du gouvernement, pensent pour une raison ou une autre que les professeurs de la province de l'Ontario est du monde privilégié qui n'est pas trop travaillant, qui est trop payé et qui franchement ne vaut pas les dollars que nous, la province, lui payons. Je voudrais dire que je ne suis pas convaincu, que je ne suis pas d'accord. Ce n'est pas du tout la situation.

Je voudrais vous dire la raison pour laquelle le gouvernement dit ces affaires. C'est très simple. Le gouvernement de l'Ontario veut jouer de la politique avec les professeurs de la province. Pourquoi? Parce qu'eux autres pensent que s'ils attaquent les professeurs de l'Ontario, d'une manière ou d'une autre les électeurs seront de leur côté et que, à la fin de la journée, ils vont être capables d'aller rechercher des gains politiques.

Je vous dis que c'est faux. Essayer de faire croire qu'on a besoin de rentrer de la législation dans cette province pour forcer les professeurs à faire du volontaire, quelque chose qu'ils ont toujours fait, c'est aller complètement dans la mauvaise direction. Je vais vous donner un exemple: vous avez été à l'école, au secondaire, monsieur le Président, comme le restant de nous ici. Rappelez-vous qui a fait l'ouvrage à votre école, qui se sont présentés après les heures d'école pour faire des heures supplémentaires payées par eux-mêmes, parce qu'ils faisaient du volontariat, pour prendre charge de votre équipe de hockey, du club d'échecs, du club de radio. Qui était là? C'étaient les professeurs. Est-ce qu'on avait besoin de les forcer à travailler? Bien non, parce que ces profs ont compris que c'était très important dès le début de l'éducation, qu'une partie de leurs responsabilités comme professeurs était d'aider les gens dans les écoles. Une partie de l'ouvrage qu'ils veulent faire est de créer les liens avec les enfants pour qu'ils soient capables d'utiliser ces liens d'une manière positive en classe. Une manière de faire ça, c'est qu'on essaie de

s'approcher des étudiants jusqu'à un certain point en donnant de notre temps dans ces clubs. Deuxièmement, les professeurs ont voulu le faire.

Le gouvernement, sous la direction de la loi 74, essaie de forcer ce que les professeurs ont toujours fait. Je dis, écoutez, vous allez avoir l'effet complètement opposé parce que, à la fin de la journée, on est tous des humains, on a tous les mêmes réactions. Force-moi à faire quelque chose et je ne vais pas le faire. Encourage-moi à le faire et je vais le faire cinq fois plus fort que j'ai besoin de le faire. C'est ça le point et pourquoi je m'oppose vraiment à cette législation. Le gouvernement, en forçant les professeurs à faire du volontaire quand 99 % des professeurs le font déjà, va voir une réaction opposée où les professeurs vont commencer de différentes manières de réduire leur temps après la classe. Je pense que ça va être franchement quelque chose que le gouvernement aurait créé lui-même et dont il sera responsable.

Deuxièmement, le gouvernement veut augmenter au secondaire le temps que les professeurs restent en classe. En d'autres mots, présentement on a un système où on a huit classes par jour. D'habitude on a cinq ou six classes comme professeur, une classe pour dîner et une autre pour la préparation des cours ou pour la correction de nos examens et de nos travaux. Ce qui arrive, c'est que le gouvernement nous dit: « On va augmenter de six à sept les périodes où les professeurs enseignent, et ça va augmenter le temps de contact avec les enseignants et ça va faire une meilleure affaire. »

Ca va complètement l'opposer. Écoutez, ces professeurs-là, comme vous le savez, s'ils donnent plus de temps à plus d'étudiants et avec plus d'ouvrage à faire, auront besoin de s'organiser d'une manière ou d'une autre. Comment vont-ils s'organiser? Soit en donnant moins de travaux aux élèves, pour être capables de s'adapter à la nouvelle réalité que le gouvernement a créée, ou ils ne vont pas être capables de prendre le temps nécessaire pour faire les corrections qu'ils ont besoin de faire. Donc, c'est complètement l'opposé.

I look across the way to the parliamentary assistant who sits there as a smug, smug Conservative, and I'm highly offended, sir, by your actions tonight in this Legislature. You sit there and laugh as if somehow or other what we have to say on this side of the House—

Mr Garfield Dunlop (Simcoe North): Are you talking to me?

Mr Bisson: I'm talking to you, and you, sir, I find quite offensive.

The Acting Speaker: I would ask the member not to make personal comments to members. Speak through the Chair on this subject, please.

Mr Bisson: Mr Speaker, through you in the chair, I find the members across the way have no time to listen to debate. They've made up their mind. They're going by way of time allocation. They think that teachers are not working hard. Quite frankly, the government members on the other side of the House are a disservice to education, a disservice to the electors of this province, and are

creating a crisis—exactly the plan that Mr Snobelen tried to create in 1995.

The Acting Speaker: Comments and questions?

Mr Dunlop: I'd like to thank the honourable member for Timmins-James Bay for his comments. I don't think that any of us on our side of the House feel for one second that teachers in this province don't do a good job. I have a mother-in-law who spent her whole life in teaching, and I can introduce you to a good friend of mine in the audience, Terry Gregson, and his wife, Laurie. You know Terry Gregson. You might see him in the National Hockey League. He's number 4 for the referees. Terry, give us a wave there, if you would.

I believe teaching is a very tough job. I understand the member from James Bay spent two years working in the technical department in some school up north. Maybe you are frustrated at this time. But the comments that I hear from my friends in the teaching profession are that they're always crying hard times, how difficult their jobs are, how much stress they're under. But they always forget to tell you about things like the vacations, like the two weeks at Christmastime, like the two weeks in the Easter break, like the nine or 10 weeks of summer vacation. What about the people who work in the rest of the world? What about the people who created the 700,000 jobs in this province? Those people are working, what, 70, 80 hours a week in a lot of cases? You don't hear them crying like that. But we continually hear the comments from you about the frustrating job of teaching, how much extra work you put in. Quite frankly, a lot of people are getting sick and tired of those comments.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Well, I know that many people in my riding are getting sick and tired of a lot of comments. They're getting sick and tired of the comments about teachers and the reference to holidays. I am really so disappointed that you have raised that issue this evening. Is that to suggest that because we sat in this House for 43 days last year, the rest of the time we were not working in this building, that we were on holiday? I think to suggest that when teachers are not in school they're not working to better themselves or they're not working on behalf of their students—I live very close to a school and I can confirm that on Saturday and Sunday I regularly drive by the school and find the teachers' cars there. They're preparing work for students. I can attest to the fact that during the summer teachers are in their classrooms preparing them, making them ready for the students who are coming to them in the fall. To suggest that teachers are not working during those times is totally irresponsible—totally—just as it would be irresponsible to suggest when we're not in this room we're not working on behalf of our constituents.

I talk to a lot of my friends in my riding who are in the teaching profession and they feel beaten and battered, and they say: "What have we done wrong? We have provided excellent learning opportunities for students and somehow this government thinks we need a law to make us do this. We've been doing it for years." And now

they're faced with this law in their face. They don't need it. Parents in the communities know we don't need it. I'm just so very disappointed that a member of the government would have to make a reference to teachers' holidays.

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Mr Christopherson: I am pleased to comment on the excellent remarks of my colleague from Timmins-James Bay. Certainly he is someone who speaks consistently from experience, and if he doesn't have first-hand experience, then members will know from the last decade that he makes a point of getting that experience, by getting right out into the community and talking about the issue. When he speaks about the north, there are others who can match his knowledge and expressiveness here, but they certainly can't surpass it.

Mr Conway: He reads your sign language very well.

Mr Christopherson: He reads my sign language quite well. It makes my job much easier, especially since we needed that six minutes filled. He wasn't going anywhere.

I will leave responding to the comments of the member for Simcoe North to the member for Timmins-St James. I'm sure he also will have a great deal to say about that.

But I did want to reflect on my colleague's comments about why on earth would you want to compel, by law, individuals to do something they are already doing that is working. Are there a few problems out there? I would imagine so. The education system is big enough that it would be impossible for it to be perfect. There are always going to be problems here and there. But if you ask a parent, or a student for that matter, what the number one problem in the education system is, I would imagine that you would get a number of different responses. I doubt that any of them would say, "The biggest problem in the education system right now is that the teachers aren't forced to do extracurricular activities." This is all about the politics of placebos. This is about doing things that hit the hot button but have nothing to do with the real issue. What really is at stake here is the fact that you want to cover up and have people forget that you've cut \$1 billion out of education. That's what is really going on and my colleague has belled the cat.

Mr Bart Maves (Niagara Falls): I think members on all sides of this House—members who were teachers themselves at one point in time; some of us who are married to teachers; many of us who have children or brothers and sisters who are teachers—know full well that teaching is a difficult job. In acknowledgement of that over the past few years, we've done quite a bit on this side of the House to help teachers in their workplace. Let me give you some examples.

I spoke with some teachers on Friday. They were delighted with the new curriculum we have in Ontario, and just about from all accounts, from everyone you talk to, that new curriculum has been received very well. It was written by about 300 teachers from across the province and they did a very good job.

We've brought in testing for kids. One of the teachers who came to see me and talked to me was a grade 9 teacher some of whose kids couldn't do simple math. Part of the whole testing province-wide for everyone will ensure when someone gets to grade 9, they can do simple math.

The code of conduct: Teachers complain that there is usually one, sometimes two people in their class who are very disruptive and make it difficult for everyone else to learn. We are introducing a code of conduct.

Equalized funding: Some gentlemen who came to see me were in Catholic boards. Their funding has gone up dramatically after we passed the new funding formula a couple of years ago under Bill 160.

Average class size: The Education Improvement Commission said, "Don't let them go above the current averages that were there in 1998." We did that and we're lowering them now.

We ended the social contract. A lot of teachers who were on the pay grid moved up four places on that pay grid. In most cases, that's \$2,000 a year; \$2,000 a place on the pay grid helped them substantially.

We introduced early retirement packages so teachers with an 85 factor rather than 90 could get out earlier and open up some spots at the bottom for some new young teachers.

Finally, we brought in hundreds of millions of dollars in new textbooks, science materials and other equipment so teachers could better do their jobs in their classrooms for their kids.

The Acting Speaker: Two-minute response.

Mr Bisson: I listened to the comments from the member for Simcoe North who talked at some length about how this was really about trying to get back at teachers who get two weeks off for Christmas, a week for Easter and two months for summer. I think the government member from Simcoe North has basically divulged what this is all about. This is about teacher-bashing. This is about a government that thinks it can advance its political aim by bashing on teachers. Quite frankly, I say shame on you. What an example to the province of Ontario. What a comment to be made by a government member. If he were a cabinet minister, I'd think he should resign on the basis that he declared what the government agenda was, which would have been a cabinet secret.

I'll tell you, it's unbelievable. And then I listen to the member from Niagara Falls across the way talk about: "I know a lot about teachers. In fact, some of us used to be married to them." You know, I can make all kinds of stupid comments about that, but I won't. But my lord, I don't even want to go there because I'm going to say something that's inappropriate.

But to try to make us believe that somehow the teachers are enamoured of the position your government has taken against teachers, member for Niagara Falls, you're sadly mistaken. I don't know what you're smoking, but it's got to be illegal, and if it ain't illegal, it certainly damn well should be.

I'm talking to teachers not only in my riding but also across this province. I'm getting e-mail by the tens and twenties every day from parents and teachers out there who say you're going completely in the wrong direction. So you guys are delusional or you're stupid; I can't figure out which one.

I say to the members across the way, it's sad that we have to devolve to this level of debate, because I for one am getting sick and tired of the games this government is playing by way of politics all the time. You're supposed to be here to govern for the people of Ontario and not govern for the PC Party, to try to advance your political agenda so you can stay in and do whatever you're doing behind the scenes.

The Acting Speaker: Further debate?

Mr Maves: It's my pleasure to rise tonight and speak to Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience.

I just read off in my two-minute response to the member opposite eight substantial steps that this government has taken over the past four years. I jotted those down on a whim, eight substantial steps that we've taken, and if I wanted to sit down and do so, I could come up with more things that we have done to improve education across the province. Many of these things are directly aimed at supporting teachers in our schools; for example, the hundreds of millions of dollars that we spent on textbooks and science materials and other equipment.

I remember during the debate surrounding Bill 160 a couple of years ago, one of the complaints that a lot of the parents I spoke to had at the time was, "My kids are sharing textbooks," or, "My kids' textbooks are held together with duct tape," and so on. That was a condemnation of the way the adults had run the system in the past, the way school boards had maybe allocated money. The oldest, simplest tool, the most common tool in any school is a textbook, and to have people from all schools, elementary and secondary schools from all across my riding and my region, tell me the same thing over and over was a condemnation of the way those boards operated over the years, and we addressed that directly.

I've had a lot of teachers since tell me, "Thank you for the new textbook, thank you for the computers"—because we added new computers to classrooms—"thank you for science materials" and so on. So there's a lot of things that the members opposite conveniently forget that have happened over the years that have really helped them in the classroom to do their job. And it is a difficult job, there's no doubt about that.

My wife is a young teacher. Young teachers especially move into the school system and may get assigned one grade one year, grade 1 or 2. The next year they get moved around because they're low on the seniority list; they have grade 3. They've got to do a whole new day plan every day. There's a big burden on those new teachers especially. They get moved around and have to do new courses all the time. We recognize that and we've

done a variety of things to support those teachers in the classroom.

As I said, one of the ways that we helped in the classroom was to take the EIC, the Education Improvement Commission, chaired by David Cooke, the former NDP education minister—one of his recommendations in his very first report at the time, back in about 1997 when he made the report after extensive consultations, was that we should at least freeze class sizes across Ontario at their current levels. We did that in Bill 160 and now we are adding hundreds of millions of dollars this year to budgets for boards all across the province to reduce class sizes further. Elementary grades 4 to 8 will be 24.5, JK to grade 3 will be 24 and secondary schools will go from an average class size of 22 to 21. That will substantially add more teachers to the schools and that will help divvy up the burden.

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One of our members the other night during debate talked about the fact that there are a lot of studies out there that show class size isn't the key factor in determining performance. We believe it is a determinant. The EIC thought it was a determinant, and that's why they asked us to freeze class sizes at those levels. That's why we're reducing it further. But there are a lot of things that go into determining performance, and studies from different places all over the world have shown that over time. Class size is one, and we're trying to recognize that here in this part of the bill and in the latest budget.

I'd like to get to protecting co-instructional activities for students. In 1997, the very first recommendation that the Education Improvement Commission made after their consultations was to put in the Education Act that a teacher's job entailed co-curricular activities. That was the very first recommendation Dave Cooke, the former NDP education minister, made as chairman of the EIC. Mr Cooke wasn't the only one. Ann Vanstone was the co-chair, and there are several other people who sit on the Education Improvement Commission, and they said to us, "Put in the Education Act a description of a teacher's duties." That is what is happening in this bill.

What we're also doing in this bill—over the years, and more recently in one of my Niagara boards, for instance, about a year ago there was a work-to-rule campaign. Everyone has talked about Durham, that for two years they haven't had any co-curricular activities, any school sports, anything. That is a huge loss. It's a huge loss for the kids of that school. In my board a year ago we had a work-to-rule campaign and a lot of parents tried to get school sports going. They wanted to volunteer, go into the schools and coach. They were blocked. The board was less than co-operative at the time, citing to parents different reasons why they didn't want parents to go in and volunteer and coach.

By the way, this is nonsense that volunteers can't coach, because I coached for seven years. I coached high school basketball for several years. I coached elementary school basketball teams for many years. I was coached by people who were non-teachers. This is the history of

the province where all kinds of non-teachers have come in and coached school teams, taught band and have done a variety of other things. So we ran into a problem where boards weren't very co-operative.

Second, once the boards started to relent and say, "OK, we'll try to accommodate the parents of these kids," who maybe were in grade 12 or 13 and some sport or after-school activity was very important to them, then they ran into trouble with the principals. The principals came up with reasons. They wouldn't be around to open up the gyms, they wouldn't be around to hand out the equipment and so on and so forth. There was a variety of problems.

Some teachers absolutely love to do co-curricular things, more so even than coaching. A lot of teachers, maybe gym teachers or English teachers, prefer actually coaching school teams or teaching band after school to the actual act of teaching. I know this. They've told me this and I know, having a great love of coaching myself, what this is like. Some of those teachers tried to go out of their way and help some kids after school and do some co-curricular activities after school on their own. What happened was very ugly at the time. I remember some of our volunteer coaches at the time going into the school and seeing a pair of eyes on a poster posted outside one of these teacher's classes—they were doing extra activities, even though the union told them not to do them—a pair of eyes on a poster that said, "We're watching you."

Now, this is ridiculous. Here's a teacher who wasn't on side with the union. He wanted to help some kids and he went out of his way. He did some activities with his kids and that's what he was met with. That is ridiculous, and one of the things we're trying to do in the bill is eliminate that kind of thing. We're trying to eliminate the board that gets in the way of the parents who maybe want to make sure the kids have after-school activities. We're trying to eliminate the principal who doesn't want to co-operate and make sure they have after-school activities.

A lot of times when there are negotiations between boards and unions—and all members in the House know this—they have work-to-rule campaigns. Because co-curricular activities aren't described in the Education Act as part of their duties, when they have this work-to-rule campaign there's no penalty for the teachers. They go in, they teach, they go home—no extracurricular stuff, no co-curricular stuff, whatever we want to call it, at all. Who suffers? The kids. The board doesn't suffer. Teachers don't suffer. They get their regular paycheques. It's not part of their duties as described in the act. It's only the kids who suffer. In Durham, the best-known case right now, they've been suffering for two years, and it's more than just one board in the area, I understand.

That's not on any more. What we're saying in this act quite simply is—and I'm an advocate of this. I don't step away from this. I don't apologize for this. We're saying to the boards across this province, "Look, just like the Education Improvement Act said to us, these co-curricular activities are part of the job description, and the boards now have a duty under this bill to ensure they

have plans to make sure that kids in our schools never again get robbed of a year of their school life." It's too short as it is, one might argue. It's a great time in your life and for some people, like myself—having the basketball team to go and play on, having a basketball team to go and coach, that made school for me. After this House passes this bill—and I believe it will—never again will that happen, because now boards will have a responsibility to ensure that those co-curricular activities occur. They have a responsibility to come up with a plan to make sure that happens.

On top of that, principals will have the responsibility to make sure, along with those boards, that co-curricular activities occur. So if I have parents who want to make sure their kids compete on a school team or do something after school, they won't be blocked. In fact, the boards and the principals will have an onus on them to make sure that those after-school activities occur. I think that's vital. I think that's fair for our kids. I'm not going to back away from that. I think it's right.

I cited two examples, one that happened in my board. I cited Durham. Here's an article about a reporter talking to some kids who weren't allowed to have their school sports so they signed up for swimming outside of the school. The article says:

"The kids weren't just denied the activities which are such a key part of school life ... they were discouraged from organizing their own. One group of students who tried to put together a swim meet with other area high schools in a neighbouring town was told they were being disloyal to their teachers.

"Disillusioned.

"When the year started, many of these kids had been on their teachers' side. By the time it was over, they found they were disillusioned and intimidated. It was unfortunate and so unnecessary."

Now, I don't for a second believe that all of our teachers were doing that. I don't believe for a second that all of our teachers out there are posting these posters outside of other teachers' offices. But it's got to stop, and I think this act, making these co-curricular activities part of the job and part of a board and principal's responsibility to make sure these things happen at school, is vital for our kids so that they can have the full experience when they're in school.

The other part of the bill that has had controversy surrounding it is basically the teaching time in the classroom at the secondary level. Right now across the province, where we have a semester system, for instance, most contracts say everyone gets an equitable load. Full-time teachers get three periods in each semester and some teachers do all kinds of other activities on top of that. Some do none at all. Some do a little bit. It's different with everybody.

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Back in 1997, when we brought in Bill 160 and we had the debate and we had the province-wide strike, this is what it was really about. We had the fight. We had the debate at that time. By the way, once again this was a

recommendation from the Education Improvement Commission. The EIC looked at teaching time and compared the teaching time across the country. They looked at every province. Ontario, at three hours and 45 minutes a day teaching time in front of the class, compared to teaching time in front of the class of everybody else throughout Canada, is at the bottom—the least amount of time teaching classes, the least amount of instructional time. At the time, the commission said we should reduce some of the prep time—in other words, increase some of the teaching time—by 25%. That's what we brought in in Bill 160, moving it to four hours and 10 minutes, or today we talk about 6.5 periods. We did exactly what the Education Improvement Commission told us to do back in 1997 after their consultation.

At the time I also remember a chart with the national average even above four hours and 10 minutes. It's something like four and a half hours in front of the classroom. So even with these changes there will only be two provinces in the entire country whose secondary school teachers have less instructional time than ours. From where I sit, I don't think the 6.5 periods—there are only two provinces that are less than us; we're still below the national average—is asking that much. We're following along with what the Education Improvement Commission asked us to do.

One of the things that's vitally important to note about this is that a principal has the ability—and we tried this in Bill 160. There's been some to-ing and fro-ing. It's been blocked. This bill makes it clear that the board and the principals have the right to assign teaching time. For instance, this bill, with 6.5 periods per year on average, would say that in my first year as a teacher I'll teach maybe four in the first semester, three in the next semester, and next year I'll teach three and three. So every two years I've got to teach that fourth period. That's if they decide to allocate that teaching time, that 6.5, equitably across all their teachers. But what's really important to notice here, and what the government tried to do with Bill 160 and what we're trying to do here, is we're trying to say to the principals: "You know your teachers. You know who does how much in your school. You assign the teaching time as is appropriate." There may be some teachers who don't do any extracurricular or co-curricular activities. There may be some who do all kinds of co-curricular activities. The principal could assign that teacher who doesn't do co-curricular activities four periods while assigning three periods to that person who does all kinds of extracurricular activities. That's the flexibility that's built in here, and teachers' contracts can't override that.

Now, there are a lot of people who have taught the exact same course load as another person who maybe comes in at 9 and leaves a little bit after 3. You know, they put in their time, they have the same courses year after year. They've got their day plans that they know like the back of their hand. Every teacher I've ever talked to understands this. No one ever denies this. You'll never find a teacher who denies that this can be the case. At the

same time you might have a new teacher or just a very energetic teacher who coaches all kinds of teams, does all kinds of co-curricular activities, yet has to get the same course load as the other teacher who does less. This allows the flexibility to the principal to disseminate the workload among all of his staff as he sees fit.

He's got some strings. I had some teachers say to me, "What if he's vindictive and he gives me eight and he makes me do all kinds of other things?" Well, that can't really happen. You see, in the bill the board has to file a plan on how they're going to disseminate teaching time, on how they're going to assign co-curricular activities. Each principal, in consultation with the school council, has to do the same. So it would be hard, if not impossible, for any one principal to go out of his mind, be overly vindictive and cruel and try to put an unnecessary and unfair workload on any one teacher.

So there's flexibility. In the past, some principals have recognized the extracurricular activities some teachers have by saying: "I'm not going to assign this person hall duty. He teaches the same course load, he coaches year after year, semester after semester. I'm going to give him a little break on something else." This takes that principle and puts it across the whole teaching time spectrum and co-instructional activities.

There are other parts of the bill where the minister can take over a board after an investigation is done, after a complaint is made, and she can run the board. This is the same thing in section 257 of Bill 160, which is something that was there in the Municipal Act since 1931. So far, I haven't heard the teacher unions stoop to the level of talking about this by saying what a draconian measure it is, that it's new and alarming and so on and so forth. But I can assure the people at home that with that section, if the boards aren't living up to the law of the land, if they're spending money improperly, indeed after certain steps are taken, the minister can come in and take over a board. That's appropriate, and I think people would say that the buck stops at the minister's desk eventually, so she should have that authority if a board is breaking the law.

I support the bill. I've advocated for a lot of the things in the bill myself. I think in the long run it's going to be good for education in this province, otherwise I wouldn't support it. Just like many of those other things I've talked about that we've done previously, in the long run especially, they are going to be very good for education in the province.

The Acting Speaker: Comments and questions?

Mrs Lyn McLeod (Thunder Bay-Atikokan): When I hear the members across speak to this bill, I sometimes wonder if they've been given the opportunity to read it or been allowed to understand just exactly how disastrous this is going to be in classrooms across this province. I wonder if they understand that dropping the class size by one student per class is nothing more than a ruse to try to make people believe that this is about improved education. This is about fewer teachers teaching more students with less time. One less per class per teacher, 20 more

kids per teacher on the average. More students, more teaching, more preparation, less time for extracurricular activities. That's part of what's bad with this bill.

What's worse about it is that this bill, by forcing people to do what 99% of teachers have done voluntarily, is going to destroy the spirit of the extracurricular effort that has been made by teachers who do it for the love of it and out of commitment for the students.

The worst part of all about this bill is that it deprives a group of Ontario citizens of the rights offered to other citizens. This bill deliberately suspends the rights of teachers, given to others under the labour law, to appeal inequities in their workload assignment. What the member opposite describes as flexibility for the principal could in fact end up becoming nothing more than abuse of individuals and those individuals have no right of appeal at all. The act suspends, essentially, the Employment Standards Act as it applies to teachers, because there's no limit to how many hours they can be told to teach or do extracurricular work, there is no limit to when they can be asked to do that, whether it's weeknights or weekends, there's no limit to where they will be asked to do the extracurricular work—it doesn't have to be within the board's jurisdiction—and they have no recourse and no appeal. In fact, under this bill an individual teacher could be dismissed by the minister herself for likely violation of the act—likely violation. So if a teacher happens to protest the extraordinary assignments of extracurricular activities, they could be essentially dismissed. If you say I'm exaggerating, why is that in the bill?

Mr Bisson: I listened to the member for Niagara Falls. The very reasons the member thinks we need the bill is why I think we need to oppose it. The government member outlined in his own comments what the problems with this bill are. I'll let people read the speech or listen to what he had to say. But one of the points he got into is quite unbelievable. He's saying that the government has to take power to be able to ride master over the school boards on absolutely every issue having to do with everything from curriculum to hours of work, you name it. I just want to propose something to the Conservative members across the way. What would you have done if our government under Bob Rae had made such a measure? You'd have gone ballistic. You'd have gone completely over the top. You would have said it's draconian, you would have said it's totalitarian, you would have been out there saying all kinds of things about how bad it was. Why do I say that? Because I remember the kinds of debates we had in this place from 1990 to 1995.

I go back to a comment made, oh, about 15 years ago by a school board trustee who said, "I shudder to think" what would happen if we put the decision-making power of education in the hands of the minister. That was Mike Harris. I want to know what happened from the time he was a school board trustee to the time he became Premier of Ontario. I say the government, or Mike Harris at least,

has completely flip-flopped on the position he had when he was a school board trustee.

The reality is that school boards across this province are, by and large, responsible when it comes to the actions they take. They're accountable to the people. We have the right as individuals to elect them or throw them out of office if we think they're doing something wrong. If that's not good enough for you, that means you don't believe in democracy, because that's what the democratic principle is. I don't know. Stalin tried it, Mao tried it, now Mike Harris is trying it, and I don't think it's going to work any better.

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Mr Doug Galt (Northumberland): I rise to compliment the member for Niagara Falls for his extremely thoughtful presentation here this evening. He talked about his own wife, his own spouse, being a teacher in the system, someone who really understands what's going on there. He complimented the teachers, and I fully agree with him. We have a very large number of teachers. Most of our teachers are excellent teachers. I have a daughter who's a vice-principal in the Durham board. She literally gives 24 hours a day, seven days a week. I recognize the kinds of things that teachers are doing.

But what is a government to do when a union comes along and says, "You can't give voluntary work to your students. You can only work the four hours and 10 minutes," or whatever it was they were working? "Thou shalt not volunteer." When they threaten teachers who want to volunteer, we have a problem as a government, and we are responding with this bill. I think it's a very responsible thing to be doing under the circumstances, but it's unfortunate we have to do this. If the union wasn't acting so silly, this would not be happening. It's just a simple response to unions demanding that teachers not do this in certain boards. Teachers in my riding have had nervous breakdowns because of union tactics and what unions have been doing with those teachers because they wouldn't go on a picket line. I, for one, think that is most unfortunate.

That's why we're responding with the co-curricular activities. It was so well put by the member for Niagara Falls. He went on to describe some of the other problems that teachers are having with their unions. Granted, it's a very small minority, because the rest of them are absolutely frightened to say anything about this very authoritarian union they have to work for.

Mrs Marie Bountrogianni (Hamilton Mountain): None of the concerns that the members opposite have raised will be solved by this bill, particularly by the extracurricular portion of this bill. Those of you across who were executives, and there are many of you, know that there isn't any management theory or course written in the last two decades that would support this kind of management style on any group of people. It's not only professionally unsound, it's pedagogically unsound. A teacher does not punish a whole class when two students are misbehaving. You can deal with the Durham board,

you can deal with those teachers who threaten other teachers. This isn't solving that problem.

Let me tell you about Monica Moran, a physical education teacher at Norwood Park on Hamilton Mountain. This teacher mentors other teachers to become coaches. She coaches the cross-country team, the three-pitch team, junior basketball, senior basketball, volleyball, she's athletic adviser to the staff, all track and field teams are under her, swim team is what she coaches, she coaches intramural sports at lunch, she's a DJ for school dances, she operates the school store for fundraising, she's on the staffing committee, she spends an overnight week-long trip at Camp Wanakita with the students, she heads the school council as the adviser, she's involved in fundraising; and professionally, for those who believe that teachers don't believe in professional development, she's taking leadership 1 course, she has taught for Brock University, she's taking summer courses, she does professional development after-school workshops, and she's a designated teacher when the principal isn't at the school.

This isn't a teacher who requires this bill, and most don't. This is a teacher, however, who coaches 17 teams who now will be required to coach maybe two and who may very well choose to do that because of the insult. The morale is low. If I thought this bill could improve education, I'd support it. Anyone who knows anything about human nature, about managerial theory, about pedagogy, about any kind of ethics of working with other people, cannot support this bill.

The Acting Speaker: Two-minute response.

Mr Maves: I applaud that teacher the member opposite mentioned. This teacher, and many others like her, will now maybe get a little bit of support and maybe a little bit of recognition for the load she carries. This bill finally allows that, and I think that's important to note.

The member for Thunder Bay-Atikokan is incredibly insulting. I don't know if it's my age, I don't know what it is, but she always makes this arrogant comment, "I wonder if the members opposite are allowed to read the bills." I can assure you, I read the bills. I read the bill with Bill 160 beside me so that I can cross-reference. I read the bill with the Education Act so I can go through and see exactly what the bill's doing. I do that all the time, so I do understand the bill. I really resent when you get up, and other members often get up, and have that arrogant attitude that for some reason we don't do our homework. We do.

I support this bill for all of the reasons that I said. We had this about teaching time a year ago. The rules on the books are as they are in this bill, that for all teachers, on average, there should be 6.5 classes in a year—6.67 because 1.7 is additional for remedial or other things.

The member for Thunder Bay-Atikokan also got into fearmongering, and some of the unions are doing this too, that all of a sudden some of these teachers are going to be persecuted and they're going to be forced to do all kinds of crazy things at crazy hours. This is nonsense.

Interjections.

Mr Maves: This is nonsense. This is why the board has to file a plan. This is why the principals at every school have to file a plan. This is why they have to talk to their school councils about the plan so that doesn't happen. Quit your fearmongering. You fearmongered for four years in the education sector and you're still doing it now. It's not helping the situation.

The Acting Speaker: Further debate?

Mrs Dombrowsky: I find it very interesting that so regularly when we talk about the truth we're accused of fearmongering.

I just want to read a quote from an editorial in the Napanee Beaver. It's a very highly regarded paper in my community. The editor writes, "Perhaps the minister would have been better off attending the Napanee District Secondary School performance than throwing a press conference at Queen's Park.

"While Ecker may believe that there are masses of teachers unwilling to play a part in extracurricular activities, we have seen plenty of evidence to the contrary. Let's hope her bill doesn't take away the enthusiasm that's so apparent in the work of our county's teachers."

I also would say that I'd like to share my time with my colleague from Sudbury because we both have an interest in education and certainly I think we're going to be singing from the same page tonight.

With regard to the very fine teachers in my riding, this is a wonderful opportunity to tell you about, for example, the educator of the year in Hastings and Prince Edward county, Gloria Nelson. She was recognized by the Hastings-Prince Edward county community, not only by her colleagues. Certainly they recognized her great abilities, but this is an honour that's bestowed upon her because parents and members of the community write to the board and they share with the members of the board the wonderful qualities of this individual.

One of the things that has been written about Gloria Nelson, who is a teacher at Sir John A. Macdonald public school in Belleville, is that she spends many hours gathering ideas and items that make the curriculum challenging, motivating and exciting for her students. Her insight and awareness of students has been noted as phenomenal. She has written numerous curricula for environmental studies, math and reading for grade 1 and has assisted with the writing of various portfolio and integrated units. She has conducted workshops for other teachers and facilitated meetings for primary teachers on several non-instructional days; obviously a very committed person who did not require legislation to demonstrate within her professional community and her school community the love, devotion and commitment that we know all good teachers require in order to do their job well.

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I would like to talk about the Algonquin and Lake-shore Catholic District School Board. Tom Murphy is a teacher at Our Lady of Lourdes school in Kingston. Tom was recognized by his board with the Archbishop Spence Catholic Teacher of the Year Award.

Some of the statements that were made within the community: "It is impossible not to learn in Mr Murphy's class." "Any teacher has a powerful opportunity to make a profound difference in a child's life. Mr Murphy recognizes and embraces this opportunity and the students in his class reflect this commitment by emerging as better students and better persons." "He loves what he does and he models this through his energy, creative ability, connection with students, school involvement, personal life and the practice of his faith."

Also, while the Limestone District School Board doesn't have a particular award, they were very happy to tell me about just some of their outstanding teachers; that is a problem when we start naming people. I know, in my own family, I could talk about teachers of our children who I have considered to be outstanding. In the Limestone District School Board there is Jo Bishop, who has spent over 50 Friday nights watching 20,000 teenagers at school dances, and didn't need a law to do it. Harold Card helps with intramurals and keeps a computer lab running, and Dianne Thomas ensures every student, teacher and volunteer in her school receives special recognition on their birthday. It probably sounds like a little thing to the people on the other side of the House, but I know in a school community that those things are very appreciated. They don't just happen and they don't happen in the four and a half hours that a teacher spends in front of the students. They happen on their time.

There is another part of the bill that I would like to address this evening, and it's with regard to what I believe is the very draconian nature of the bill: that part of the bill that talks about the compliance that will be required by the school board. It enables the minister to take over a board and fine and suspend trustees. This of course is an area of interest for me because in a former experience I was a school board trustee. I took that responsibility very seriously and I was very proud to go to the board table as the elected representative of the people of my community.

In the case of non-compliance—and it is the minister who would determine whether or not there would be compliance—the minister would name a replacement to the board; not the community, but the minister. And the minister would determine the salary to be paid, not by the ministry, but by the board. How inappropriate for the minister—

Interjection.

The Acting Speaker (Mr Michael A. Brown): The member for Niagara Falls needs to be in his seat if he is to say anything whatever. I've warned him before.

Mrs Dombrowsky: I would like to understand in what other situation the minister or a minister of the crown has the power to remove an elected official and replace them. Where else is there a precedent for this? If a board applies any of its funds other than the way the minister would have ordered the funds to be directed, the members of the board are disqualified for five years from holding any office for which elections are held; not just being a school board trustee, but they would be prevented

from looking for any elected office that would be managed by the Municipal Act. That is totally unprecedented. This is a very punitive measure. People are being judged, and they are being denied rights that we enjoy in a democratic society without the benefit of trial by jury or by judge, by the Minister of Education. This is totally inappropriate and unacceptable. It's unacceptable because the people in the communities have elected the trustees to consider their better interests.

If the action of an elected representative, in following through on that commitment to the people who elected the individual, would not be favourable to the minister, he or she can be removed by the minister. The community is not even consulted about who should replace this individual. The minister decides that.

If the board believes it's in the better interests of the students they serve to take particular actions that the minister may not agree with, the minister can then prevent these elected people from holding office. If it has not been determined that they've broken any law, but they have garnered the wrath of the minister, they're fined \$1,000, kicked out of their job and told, "You can't be elected for another five years." That is draconian.

There is no other precedent in this province.

Mr Maves: It's already in the Education Act.

Mrs Dombrowsky: There is nothing in the present Education Act that gives the minister this problem.

Mr Galt: Have you read it?

Mrs Dombrowsky: I lived it. I was a trustee for 15 years. I would suggest to those members across the way who are so ready to volley to read the bill. Take your own advice and read the Education Act. Find out what's there, find out what trustees are responsible for and then come to this House and defend what this bill presents here. It is positively draconian and unacceptable. It's an affront to the people who elect trustees in their communities. You are thumbing your nose at the election process in this province. It's totally inappropriate and unacceptable.

Mr Rick Bartolucci (Sudbury): I'm privileged to follow my fellow Liberal member because she has only told you exactly the way it is. Let me continue with that.

This government not only refuses to acknowledge the dedication of teachers in this province but has demoralized and shamefully twisted a once proud profession. Let me say on behalf of the government, even though I'm on the opposition side, that I want to apologize for this government, for the legislation it has brought into force, into play over the course of the last six years. It has failed miserably to realize the most important component of any educational system:

(1) Dedication: I have never seen in any piece of government legislation the importance of the dedication of a teacher outlined.

(2) Nor have I ever seen in any piece of legislation the importance of the compassion that a teacher has for individuals outlined in their legislation.

(3) Nor have I ever seen in any piece of legislation the importance of the commitment of the dedicated teachers of Ontario to the children they teach.

(4) Nor have I seen in any legislation the importance of love and respect that teachers have and hold for the students they teach on a daily basis.

On behalf of the government that refuses to acknowledge the teachers of Ontario, on behalf of the Mike Harris government, I apologize for not recognizing the dedication, compassion, commitment, love and respect that the teachers of Ontario have for their students. They have over the course of the last six years put up with an incredible amount of abuse, and Bill 74 continues that abuse. In fact, it goes to new heights. It is draconian in nature. It will not stand the test of time in the courts of law. There is a violation of individual rights here that is beyond anyone's wildest expectations. I do not understand the reasoning behind Bill 74.

2010

I spent 31 years in a classroom or in schools in Sudbury, and I will tell you that to a person I received co-operation, commitment, dedication, love and respect. I received extra hours on a daily basis and I never had to force my teachers to become involved in the children's lives—never. I have never, ever in 31 years received a refusal from a teacher to co-operate in an extracurricular or co-curricular activity. It just didn't happen.

The reality about this legislation is that the Minister of Education is trying to solve a problem she had in her area, a problem, I might say, that could be easily addressed if this government weren't so bullheaded and thick-skinned and so unwilling to compromise. The problem could be solved in Durham but, instead, she chooses to punish every child, every student in elementary and secondary school in one way or another.

This bill in particular punishes secondary school students. Mind you, let me make a projection: The parents of this province will be up in arms when they begin to understand the serious ramifications this bill had on the teachers who are charged with providing quality education to their children. The high school students I've talked to cannot believe that the government would be doing to their teachers what they're doing in Bill 74 when they understand their teachers to be more than willing to provide extracurricular activities, more than willing to go the extra mile to ensure that quality education takes place within and outside of the classroom.

For the past five years, this government has insisted that the many changes they've made have bettered education without one iota of proof that that has happened. Has the cost of education gone down? There's no question it has gone down, but so has the number of classrooms, so has the number of students, so has the number of teachers. Has it been done with more or less legislation? It has been done with more legislation, more change. We have seen an unprecedented period of change, of instability, of confusion within the educational system, not caused by school boards, not caused by teachers, not caused by students, but clearly caused by a government that has

decided that a public education system is not worth protecting.

In fact, all of this legislation that has taken place over the course of the last six years is setting the stage, we know, for charter schools, whether you want to admit it or not, and certainly you won't because it's the truth, and God forbid that you should ever admit to something that's truthful. You haven't done it in Walkerton, you haven't done it in health care, so why should you do it in education?

Let me tell you, the people of Ontario are no longer fooled. Even your friends, even those who are ardent supporters of earlier educational reform that you implemented, are having trouble with this one. What you have done categorically is destroyed an individual's right of choice; you've destroyed any human right attached to a teacher's ability to make choice, to have a say in what he or she will be involved in. I don't think the government members understand that these co-curricular activities can be assigned by a principal 24 hours a day, seven days a week, at any time.

Mr Galt: Where did you get that?

Mr Bartolucci: It's written in the legislation. The member might want to check the legislation to find out that it's written there. I suggest to the members across the way that they might want to go to page 2 of the act, if they can find it, to find what is expected of the principal in demanding that teachers become involved in co-curricular activities.

It is important that you read this legislation. It is important you understand that what you're asking for will not stand up in a court of law. It will not stand the test of time. But what it will have done is destroyed morale in the schools, it will have destroyed some extra-curricular activities and it will have destroyed students' opportunity to a complete education because of what you are expecting of your enforcer. This is nothing shy of totalitarianism. It is nothing short of a form of government that should be less than acceptable in a democracy.

I suggest to you, my friends across the way, that you have not enhanced education. You have and you continue to put a strategy in place that in the end will destroy public education, destroy sound secondary school public education. However, the people of Ontario will not allow you to do it.

Mr Maves: I want to address the comments made by the member from Hastings-Frontenac. I want to assure her that the legislation and the part of the legislation that deals with compliance with board obligations do indeed exist in the province. It has existed in the province since 1931 as part of the Municipal Act; it exists now in the Education Act. The situation within which it exists in the Education Act now is that if it is determined that there is severe financial mismanagement in a school board, then all of the steps and procedures that are listed here that the minister can take and the provincial government of Ontario can take in respect of that mismanagement are the same. As a matter of fact, this bill lessens some of the

things the ministry can do in the current Education Act when it comes in and takes over a board.

Mrs McLeod: That's simply not true.

Mr Maves: It is true.

I want people at home to understand that under this part of the act, if a parent at the school council or someone makes a complaint to the ministry alleging that a board is about to break the act, maybe because their class sizes are going to exceed the average, or maybe they're going to take funds out of the special education pool which is supposed to be protected and apply them somewhere else—a variety of different things the board could be doing which would violate the act—then the minister will send in an investigator. The investigator would do a full investigation, report back that, yes, they're in violation of the act. Then the minister could go to cabinet and say, "We think we need to take over the board," and in this part of the act she has to specify that—take over the operations of the board—and correct that situation.

It exists in the Municipal Act; it exists in the Education Act—

The Acting Speaker: Thank you.

2020

Mr Cleary: First of all, I'd like to congratulate my two colleagues for their well-thought-through speeches. I know that Liberals care about children and the education system and I know that this bill is nothing but an attack on the education system.

They talk about volunteerism. In our part of Ontario, we have many of our teachers and retired teachers and others in the education system who work and volunteer many hours for the children's treatment centre for some of the less fortunate children in our community.

I guess we all want the best education for our children. I know that in my family and my wife's family they are all teachers and I've never heard too much complaining until lately when this bill came forward. I've heard from many teachers I've never heard from before in my 28 years as an elected person in my community, but they're very upset about this bill.

In my lifetime I've negotiated many settlements, with many municipal and other contracts, and I know that when you sit down around the table and you negotiate, everyone seems to be happy. I'm sorry that this bill will make some of these changes. I've had letters from many teachers in our part of Ontario and many other parts of Ontario whom you normally wouldn't hear from. They have something they're very concerned about. You can tell a teacher before they become a teacher because they have a love for the children and they want to make Ontario a better place, and to work with the children because they're our future.

I would hope the government would take a second look at this piece of legislation and maybe allow some changes, because I think it's very serious that we're going down this particular road.

Mr Christopherson: I want to comment on the very effective words of the member for Hastings-Frontenac—

Lennox and Addington. Correct me if I'm wrong but I believe she said during her comments that she was for 15 years a school board trustee. Is that correct? That's a long time. That's as long as I've been in public life in total, between municipal and this place, and I think is longer than just about any government member I see across the way. If I'm wrong, then I stand corrected, but I don't see anybody making that correction.

I think we all agree that's a long time, that's a great deal of experience, and obviously someone who has a great deal of respect and support and trust in their community, to stay in office that long. I've got to tell you that in Hamilton we have trustees of the same calibre, from all different walks of life, from all different political backgrounds, some of them apolitical, but all of them caring, and yet you're treating the trustees the same as you are the teachers, in a way that suggests somehow they're to blame for something, that they've done something wrong.

You slashed their pay to the point where it's difficult to get people who will do that job for \$5,000 a year. I'm not saying that trustees do it for the money, no more than I believe any of you across the way run for office just for the pay. I believe you're there for a broader purpose, and so are trustees. Now what have you done to trustees? Now if they dare to even vote against your policy, the policy of your minister, if they dare express their democratic right to vote against, they're subject to a \$5,000 fine, which is a year's pay, and they can't run for office for another five years in a municipal capacity.

You've just got so many people you're going after that you must be running out of individuals and organizations to attack, because you've virtually already covered the landscape—

The Acting Speaker: Thank you.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to take part in this debate. The member for Sudbury was very apologetic. If he wants to apologize so much I think what he should be doing is apologizing to the students and to the parents, because they are the ones who are being held hostage, not by the teachers but by the teachers' unions.

A few moments earlier the member from the third party said that we have no major problems. Let me assure you there are major problems. That's the only reason we brought forward Bill 74, the Education Accountability Act. What is the major problem? The major problem is when teachers withdraw co-instructional activities on the urging of the unions. The major problem is when teachers refuse to write supporting letters when kids apply for scholarships.

I'm very fortunate that in Mississauga where my younger daughter is studying in Grade 9—she's part of the new curriculum—she has very good teachers. She has taken part in rugby after school. She has taken part in band, chess club. This has been provided, in terms of extracurricular or co-instructional activities, by very good teachers. I want to make sure, in bringing forward and supporting this bill, that all the kids in Ontario have an

equal opportunity, that they all are given the chance to excel.

It is very important. It's not only important that they get classroom instruction but extracurricular or co-instructional activities are very important. I'm sure most of us who have gone through the system can think back to some of the sports we enjoyed, to some of the drama clubs we took part in that made our lives much better. I want to make sure that, because of this bill, every child in Ontario has that opportunity.

The Acting Speaker: In response, the member for Hastings-Frontenac-Lennox and Addington.

Mrs Dombrowsky: I would like to, first of all, thank the member for Niagara Falls for his comments, because it allows me to expand on something that I didn't in my remarks. I would say to the member for Niagara Falls that there have always been measures within the Education Act to ensure that boards were fiscally responsible and accountable to the people who elected them. That has always been the case.

Interjections.

Mrs Dombrowsky: What is new in this legislation— if the member opposite who is heckling would care to listen to the explanation, they might learn something—is the Henry VIII clause that allows the minister to—

Mr Spina: That's responsibility, boy. It's pretty easy to spend money.

The Acting Speaker: The member for Brampton Centre does not have the floor.

Mrs Dombrowsky: What the minister has not had the power to do in the past—only when it was demonstrated that a board was fiscally irresponsible was the minister able to take action. The most offending part of this particular part of the legislation, while there are many, is the issue of non-compliance and what that is. That allegation can be brought forward by a group of taxpayers who may or may not even have children in the school system. The minister determines the non-compliance.

To discipline school board trustees is one thing, but this act also gives the minister the ability to discipline employees as well. Employees of school boards are not employees of this government. Again, it is totally inappropriate and draconian for the Minister of Education to place himself or herself in that judgmental role, taking such drastic measures.

The Acting Speaker: Further debate?

Mr Dunlop: I rise this evening to speak in favour of Bill 74, which I believe will further help to improve the quality of education in our province. Since this government was elected in 1995, we have been pursuing a challenging plan for education reform. Our plan is designed to make Ontario's education system the envy of the world, and that is from junior K up to and including university.

Parents have told us that we need to provide more direction to the school system to ensure that students come first. If approved by the Legislature—and I understand there's a awful lot of debate and controversy on this—the proposed Education Accountability Act would

amend the Education Act to ensure that school boards do the following: provide co-instructional activities such as sports, arts and special school activities; actually meet the provincial standards set two years ago for the amount of time secondary teachers spend performing key teaching duties; meet new province-wide standards for lower average class sizes at both the elementary and secondary levels; and meet other additional province-wide standards and fulfill their legal, educational and financial responsibilities.

This legislation builds on our government's commitment to provide students with an excellent education, based on the highest standards, clear expectations and frequent, straightforward evaluation.

2030

In the final report of its review of Ontario's 72 district school boards, released on April 13, 2000, this year, the Education Improvement Commission highlighted the need to increase the education system's accountability for student achievement. The legislation proposes a method to ensure that school boards are held accountable for making responsible decisions about the school systems under their care. Accountability also means an education system that is constantly looking for ways to improve and do things better, a system that is prepared and able to act on its obligation to provide a meaningful and relevant education to students who are growing up in a rapidly changing world where a quality education is a passport to a promising future.

Our government has always understood that the foundation of an education system is built on the hard work, dedication and talent of Ontario's teachers. We must support them by giving them the necessary tools to perform their jobs and in turn create a better future for our province. That is why we are investing more money into educational materials in the classroom instead of on wasteful administration outside the classroom.

Recently, I attended an education forum at Elmvale high school, which is just outside my riding, in Simcoe-Grey, which Mr Wilson represents. I had the opportunity to meet an excellent teacher who had worked with her students in putting together a CD. She had worked an average of 16-hour days putting this project together and in the process inspired her students around her. In that forum, the students came up to me and they asked me to acknowledge the dedication that she had put into the CD. I appreciate that kind of effort. She is a good example of the efforts teachers put in.

I also think of Paul Delany, another teacher in my riding, who teaches at Victoria Harbour public school. He has spent countless hours trying to arrange visits with dignitaries throughout the world—dignitaries such as the Honourable Hilary Weston—to come to their school and help to inspire the students at that school. For his efforts, in 1999 he was awarded the Ontario teacher of the year.

My own mother-in-law, Mrs Mary Taylor—she's now in her early 80s—taught her whole life in the public and separate school systems. She was very proud of her career because in her extracurricular instruction she

taught a school rhythm band which, for over 20 years in a row, won awards at all the local music festivals.

I can think of another couple of examples in my own family. First of all, the music department at the Park Street Collegiate where Mr Passfield and his staff taught not only my sisters and brothers music, but my daughter was taken on a trip to Scotland; my sister was taken on a trip to Spain with the band from Park Street. I think of the value of the guidance department at the Park Street Collegiate, which taught both my son and daughter the proper courses so that my daughter could fast track on to university and my son could go into a proper trade.

I could go on and on about the number of excellent teachers in our province, but the sad thing is that I could also go on about the poor teachers in the system. We all know, and more importantly the principals know, of teachers who leave school early in the day, or whenever their time frame is up, and very seldom put in extra effort. Many teachers have complained to me about this.

The other shameful practice is the withdrawing by the teachers' unions of extracurricular activities as a bargaining chip against school boards, such as the situation in Durham region. It is sad and it is unacceptable that students are being used as pawns in a political battle between the teachers' unions, the boards and our government.

If you believe the e-mails and the letter-writing campaign, you would think that every single teacher in this province is against this legislation, but I would like to read a letter to the editor, found in the Toronto Star, from a teacher.

Mr Levac: One.

Mr Dunlop: I guess there's only one; there's probably only one.

"As a teacher of many years, still enjoying my teaching responsibilities, I am comfortable with the legislation, just introduced by the provincial government, proposing a stronger definition of the requirements of teachers and school boards.

"I would suggest that those who feel threatened and want to point fingers should take a look at the teacher union executives and their zealots who decided decades ago to force members to withdraw 'voluntary' services as a negotiating tool.

"Many of us heavy-duty volunteers warned that if unions didn't stop using this tactic, the boards and/or government of the day would take the option away. But let's be realistic. It hasn't been truly voluntary ever since the union bosses started telling teachers when we could or could not give freely of our time to students."

That letter was written by Terry Ross, a teacher, and I would like to thank this teacher for putting so clearly what one of the intentions of this bill is designed to do.

While we are thankful for the number of good teachers in our education systems, we are also fearful of the number of poor teachers who are teaching our children. That is why I feel that teacher testing is an important instrument to help identify the poor teachers who disadvantage our system.

Getting quality teachers into our classrooms is an important process for this government. That is why beginning next fall all teachers will have to be recertified every five years. They will have to pass required courses, written tests and other assessments. This will ensure they are continually improving to meet the demands of a changing world. Beginning in 2001, new teachers will have to pass a test to qualify to teach. This will ensure they know the curriculum, teaching skills and methods.

In the next eight years, nearly 40,000 teachers will retire. To make sure that all teachers get a strong start at the beginning of their careers, we will be designing an induction internship program where they will get coaching and support from more experienced colleagues. New standards will ensure consistent teacher evaluation across the province. A new review process will determine if teachers not meeting the standards should have their certification removed. Parents and students will be given an opportunity to be involved in this process.

Teachers trained in other jurisdictions in a language other than English or French will have to pass an oral and written language proficiency test before they can teach in English or in French.

Quality teaching is also about excellence and accountability. We will be looking at ways to provide quality assurance through a third-party process that includes parents, educators and experts.

Excellent teachers also deserve recognition. We want to develop a system that recognizes teaching excellence.

I would encourage all members of this Legislature to vote in favour of this historic bill so that we can continue to improve our education system. I understand the controversy surrounding the bill, and I can tell you that in my own riding I have had a number of educators come to see me, as well as letters and e-mail, and I've had a number of appointments with the teachers' federation, the local secondary school teachers' federation and a number of our school councils. In my particular riding, I am encouraging them to continue to pass that information on to me so that I can pass it on to the Minister of Education.

I thank you very much for the opportunity to speak to this tonight.

The Acting Speaker: Questions or comments?

Mrs Bountrogianni: Earlier I referred to Monica Moran, a grade 7 and 8 teacher at a middle school on the mountain. I want to talk about some of the other activities that middle schools do, just so you understand that it's not just Monica. There are a lot of other teachers in this school and a great majority of teachers across the province who do these amazing things with our kids all day long.

At Norwood school they have volleyball—girls' junior and senior and boys' junior and senior—cross-country running, band, basketball, an art club, a yearbook club, drama and dance, instrumental ensembles, dance committees, school store, official helpers, peer mediation—which is very important, particularly for some of our troubled kids—a library club, a swim team, three pitch

teams, an environmental club, a science club and a fund-raising club. They also have choirs, recorder clubs, track and field, chess, checkers and all sorts of intramurals.

I also want to talk about a teacher who, two years ago, made a huge difference in a student's life, speaking about extracurricular activities. I really wonder, in whose wisdom do you think this bill—who will they change? Do you think that this bill will change those teachers that leave at 3 o'clock? How do you think this bill will change those teachers who leave at 3 o'clock? By forcing them to stay? We know that in every profession there are those who may be there in body but not in spirit. This bill won't change those people. There are other creative ways for screening applicants for the teaching profession.

The teacher I was referring to earlier took in a student and actually housed the student in his—the teacher's—parents' home, because he was raped by someone at a co-op placement, of all things, in my riding. He took the time to actually take this kid to his parents' home because the kid didn't feel safe any more where he was living. He had generalized what had happened to him.

2040

Mr Christopherson: I want to comment on the remarks of the member for Simcoe North and pick up where my colleague from Hamilton Mountain left off when she talked about the fact that you're not going to change things by passing this law in terms of the quality of the instruction and the leadership and the compassion and the experience that teachers pass on to their students.

During his comments, the member for Simcoe North mentioned his mother-in-law, who was a teacher, how much she enjoyed teaching and how fulfilling it was and the amount of extracurricular activity that she performed and how his own kids and his siblings benefited from it, and then said, sort of as a throwaway line, "And I could name just as many situations where it doesn't work." I think that's probably where a lot of people in the province differ with the honourable member. I would agree with my colleague from Hamilton Mountain, and I said so earlier, that you're going to get the odd person in any group who doesn't meet the standard that's expected of the group. This may come as a shock to you, but there are members of the public out there who would determine that there are some of us who don't meet the standard they believe should be set. I don't hear you suggesting any way that that's going to change.

For that matter, earlier you were commenting—and I think this is where the real gist of it is—"They get the summer off and they get this time off." I thought to myself that every period of time you've just mentioned that teachers get off, in terms of being in this place, you get more time off than teachers do, and yet no one ought to suggest that that's the only thing MPPs do, least of all me. So for you to suggest the same for teachers, I think what we are seeing is a mean-spirited attack on teachers that has nothing to do with the quality of education our children receive.

Mr Gill: It is my pleasure to not only take part in this debate but also bring into the record a letter, if I may take

the liberty. It is from a teacher, Terry Ross. This was published in the Examiner on May 16 this year.

"As a teacher of many years, still enjoying my teaching responsibilities, I couldn't help but comment on the legislation just introduced by the provincial government which has proposed stronger definition of the requirements of teachers and school boards.

"As one who is comfortable with the legislation, I would say to those who feel threatened and want to point fingers to take a look at the teacher union executives and their zealots who decided decades ago to force members to withdraw 'voluntary' services as a form of negotiating tool.

"Many of us heavy-duty volunteers warned if they didn't stop using this tactic the boards and/or government would take the option away. ...

"The unions claim that this government is confrontational and bashing teachers. Is it confronting and bashing all teachers or just those who should have already started thinking about another career? I have less fear of this government than I have of the unions or boards. At least I know where it's coming from."

That's signed Terry Ross.

These are some of the comments that teachers are making. Some of the members opposite mentioned some of the good teachers, and I agree with them that there are many, many good teachers who are already giving of their personal time to teach the kids in the extracurricular activities. I want to make sure, if I may reiterate, that every kid in this province should have that opportunity.

Mr Cleary: I just want to say again, I will work and vote against this legislation. I think it's just another swipe at our teachers. As one teacher said to me recently: "What next is going to be legislation? You have to have legislation so you can qualify for citizen of the year." He also spoke of local teachers who are fit to be tied, teachers I have never seen demonstrating or even writing letters before.

This government has done many foolish things, and I think this is one of the worst. It's a heartless move, and I don't think the government and government members will get many brownie points from this.

I've belonged to many organizations in my life and I know that teachers were the first ones there to volunteer and to work along with the rest to make our community a better place to live. I always figured that a teacher's a teacher because they wanted to be a teacher, and I always figured a teacher knows best. I think lumping them all together is very unfair. I know that it would leave a great hole in our community if you were to take the volunteers out of it who are teachers and teaching staff, because they raise money in the community; they work Saturdays and Sundays, late at night. Some of them even to go the students' homes to help them with their homework.

I think it's very sad that we have to come to this stage. I would think there would be other ways and I would hope the government would take a second look at this issue, because when you force people to do something, it

doesn't always work out. It never has in history and it won't now.

The government has a majority—they can make black into white—but I think this is one of the biggest mistakes they're making.

The Acting Speaker: In reply?

Mr Dunlop: I thank the members for Hamilton West, Hamilton Mountain, Bramalea-Gore-Malton-Springdale, and Stormont-Dundas-Charlottenburgh for their comments.

Earlier, it was mentioned that the member for Hastings-Frontenac-Lennox and Addington had spent 15 years as a trustee. I appreciate that, because at that same time—and I didn't argue back with the member from Hamilton West at the time—I had spent 18 years in municipal politics.

In that 10-year time period from 1985 to 1995, as a municipal politician I watched the education taxes go up 140%. At that same time, in the Simcoe Country District School Board, the enrolment went up 16%, and inflation was running around 40% at that time. So we, as municipal politicians, put a lot of emphasis on that fact and we complained to the governments of the day, as we complained in the mandate of this government, about the high cost of education. I feel something had to be done about it.

I hope I haven't offended by my comments about the holiday time, but the fact of the matter is, that's what people say to me continually. As business people, as people who have two or three weeks of holidays a year, a lot of people feel there is a lot of complaining going on in the education system. Maybe those people aren't justified, but certainly it's a complaint I hear on a continual basis.

I know this legislation is very controversial, as I said earlier, and I—

Mr Dwight Duncan (Windsor-St Clair): How many days have we sat this year?

Mr Dunlop: Yes, we've sat 43 days in the year, but I basically work seven days a week. Yes, I do. I work seven days a week; maybe you don't. The fact of the matter is that we work hard at our job and I will continue to support this legislation.

Interjections.

The Acting Speaker: Further debate?

Mr Levac: I am both honoured and saddened to participate in the debate of Bill 74, as limited as it's going to be. I want to bring to the attention of our viewing public that this will be very limited debate considering the extremity and the extreme lengths—

The Acting Speaker: Order. Member for Windsor-St Clair, the Minister of Transportation, order.

Mr Levac: As I was saying, this debate is going to be very, very limited. Considering the changes that are going to take place in the Education Act, we deserve more than two days of debate. We deserve way more than the closure that this government's going to impose upon us again. The public of Ontario, the people of Ontario, the citizens of Ontario, should be provided with

an opportunity to give full and open debate and public information regarding this.

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I'm also splitting some time with the member for Windsor-St Clair.

I want to read the title of the act into the record: An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience. It's more like this: An Act to amend the Education Act to continue a phony war, to jeopardize the quality of education, to neutralize school boards and trustees, to punish teachers and principals, to attack and show contempt for democracy.

I want to share some of my experience as an educator for over 20 years in the province of Ontario, and also 20 years and more as a student. I can think of no more noble and important a profession than education.

I want to share again my comments about education that I made at the beginning of Education Week, the activities of which, by the way, are almost always completed by volunteer time before and after school by teachers and support staff as a showcase of what happens in schools day in and day out every week.

"Today marks the beginning of Education Week across the province. For over 20 years I've had the pleasure and honour of participating in the many activities that highlight what is offered on a daily basis, every week in classrooms in every school in the province. I stand to proclaim what I've always known: The teachers of our province provide a lifeline to the future.

"To the teachers of our province I say thank you. Thank you for the professional way in which you do your job. Thank you for always challenging yourselves to improve and innovate. Thank you for sharing your gifts and the art of teaching with us for our children's sake. Thank you for sharing something that all too often seldom ever gets mentioned: Thank you for sharing your love. Your love of learning and your love of children is what is most appreciated.

"From the first time a child learns to zip up a coat, ties shoelaces, identifies colours and letters or counts to 100, you were there. The mystery of reading and writing was solved with help from you. You taught us about fair play, sharing, critical thinking, problem-solving, science, physics, history, geography, French and more. You bring light to dark places.

"Let us celebrate Education Week by expressing our appreciation for the teachers of Ontario. Let us celebrate every week by dedicating to be the best partners we can be. As parents, students, educators, legislators and communities we must commit to creating a climate of trust, respect and dignity within our education system for all of our partners.

"Speaker, Education Week only represents what happens every week in our schools. Again to the teachers of Ontario, thank you. You are appreciated."

I want to share with you an opportunity that I've taken very large pride in, and that is remembering each and

every one of my teachers: in kindergarten, Miss Holten-dorp; in grade 1, Miss Brady; grade 2, Sister St Maurice; grade 3, Mrs Walker; grade 4, Miss Jackson; grade 5, Mr Nolan; grade 6, Mr Ryan; grade 7, Mrs Szeman and Mrs Yoe; grade 8, John Store and Mr Parent; and my music teacher, Sister Noella. What I want to say to you very clearly is that each and every one of these teachers gave of themselves, their dedication, their love, to make sure that I had the opportunity to express and be myself.

Mrs Walker taught me many, many lessons about being dignified, being proud, being a good person.

Mr Ryan, my grade 6 teacher, who became my director of education later on, was always there with wonderful sports activities for us, before and after school. He taught us right from wrong.

Mr Store, my principal, always made sure that each and every one of us had a little snack at the beginning of the day, because I grew up in an area that was not privileged.

Mrs Szeman, for the first time in her life, coached a hockey team because no one else was available at the time. She rolled up her sleeves and said, "I'm going to learn this game and I'm going to coach each and every one of those kids."

Sister Noella taught music for over 70 years, and I am so proud to say that Sister Noella is an amazing teacher, with a contribution to education across this province that absolutely no one can rival. She taught religion until she was 92 years old.

Into high school: Mr Robertson, Mr Fuss, Mr Barkley, Mr Howard, Mr Gibbson, Mr Ryan, Mr Forter, Mrs Toth, Mr Newman, Miss Wilson, Miss Squires, Mr Hutton, Mr Chisolm, Mr Hagey, Mr McDonald, Mr McArthur, Mrs O'Brien, Mr O'Donald, Mr Hagey again. Mrs Chislem and Mr McGregor-Brown took their own time to take us to Europe, giving us all of that guidance and opportunity.

Why am I spending time talking about this? Because I want to make it perfectly clear that the members opposite do not understand the valuable contribution our teachers make, by creating a phony war. What they're trying to do is punish people and put them in their place.

I want to share with you some of the e-mails I've been receiving. This isn't from a teacher, this is from parents, Linda and Kirby Oudekerk:

"As a parent whose children have come through a successful school system, I am very concerned that the new school legislation (Bill 74) will have a very negative impact on the education of children of this province. I know that my children's teachers did not work just the four and one half hours per day that was suggested in the government ads before the last election"—spending millions of our dollars to say so—"I know that they spent countless hours preparing and perfecting lessons, teaching, marking and creating term tests, completing report cards, tutoring students who were struggling and falling behind, calling parents with concerns or accolades for what their children had accomplished. All this time mentioned does not include the countless hours of their own time spent outside the classroom leading and

coaching students and sporting events, field trips, as well as"—we have to fundraise for these events—"because they felt that they were an important part of their students' overall education. Why would you want to increase their workload? If teachers have more students per day, won't that mean less time per student? My children have done all right, but I am fearful of what is in store for my grandchildren in this province" under this government.

Another e-mail from a teacher and a constituent:

"I am a teacher in your riding. The government's announcement that it is making my extracurricular activities mandatory is" totally "insulting.

"I regularly volunteer in a great variety of ways to ensure all the students in my school receive the best education possible.

"I do it because I have the time.... Teachers and students need support, not coercion." They don't need to fight a phony war. They don't need to be "forced to do more with less, this government should be looking for ways to improve our ... system, not tear it down.

"I am tired of being treated with disrespect" and given no dignity "by this government. I am proud to be a teacher. I want a government that supports my work and public education."

I am telling you right now that I am getting an average of 10 to 15 of these e-mails a day, by parents, by citizens, by taxpayers, by teachers, by principals, by superintendents, by directors, by many people in the riding of Brant who are saying: "Enough with the war. Would you please get on and try to help us create a better system for our province?"

The Acting Speaker: Questions or comments?

Mr Christopherson: I want to compliment the member from Brant on his obvious strong feelings on this issue, and being a principal I don't think it should come as a surprise. I would suggest that rather than the derision he's faced from the government benches, it would make a lot of sense—

Interjection.

Mr Christopherson: Well, you see now, the member from Durham just found out that the member from Brant is a principal, and that made him laugh. My whole point is that, rather than laugh, you ought to listen. If nothing else, he's management. Doesn't that make you feel better? You know he's not a real teacher in terms of everyday teaching, which of course would make him evil in your eyes. He's a principal, a manager. Now that would mean you would listen to what he has to say, but you don't want to listen. They don't want to listen to anyone in this House who has real experience. You don't want to listen to a teacher, you don't want to listen to a principal, you're not listening to us as parents, and in terms of listening to the public, if one takes a look at the insulting amount of time you've put forward for public hearings, you obviously don't want to listen to anyone.

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The member for Brant said—and I believe I've quoted him right—that your real intent here is to punish and put

teachers in their place, and that's exactly what you're doing. Many of you talked about the importance of individual teachers and your schooling experience, and somehow you managed to disconnect and dissociate your experience, where all of the extracurricular activities were voluntary, to some notion that the whole thing is not working now. It was OK for you but not for anyone else. This is so phony, and that's why teachers are so angry, so demoralized. They're leaving in droves. We're losing our best teachers. You're the only real threat to education in this province.

Mr Galt: I listened quite intently to the member for Brant in his presentation. There's something I could agree with him on in the whole thing: thanking teachers and recognizing them for what they do for our children. I certainly respect those comments, but after that he absolutely and totally wasted his 10 minutes. He had an opportunity to say something and he went on reading testimonials and a bunch of other stuff. I understand he's a principal, we're being told he's a principal, and he had such an opportunity and he blew the whole thing.

I want to zero in on part of what he could have been talking about that some of the others have talked about. I hear them talking about teachers having to be on call 24 hours a day, seven days a week—what garbage—and they're going to have to work 24 hours a day, seven days a week. He said, "Look on page 2." Let me tell you about page 2 and paragraph 7.1 and subsection (2.1):

"(2.1) The plan required under paragraph 7.1 of subsection (1) shall include a framework within which principals shall operate in assigning the duties described in clause 264(1)(l) to teachers and temporary teachers.

"(2.2) The framework shall address assignment of duties,

"(a) on school days and on days during the school year that are not school days;"

Saturday, when they might be having a volleyball tournament, happens to be a non-school day. So how else would you write it? Then (b) says, "during any part of any day during the school year." It might be an evening that they might be having a volleyball game. How else would you write it? I don't think you quite understand. Then it goes on,

"(c) on school premises and elsewhere." It's unfortunate I don't have more time.

Mr Duncan: In addition to this bill being an attack on teachers, in my view it's an attack on public education. The Harris government is attempting to steal control of education from local authorities and from educators into their own hands.

I applaud my colleague from Brant, who spoke eloquently not only with the perspective of his experience but with the background and citing teachers who have helped him personally. I must confess I was somewhat nostalgic thinking about teachers in my life, Denny Deschamps, Father Q. Johnson and many others, who had gone the extra mile for us as students, who had opened a new world to many of us that we might not otherwise have experienced.

My little boy is in grade 4 at St Gabriel elementary school in Windsor and two of his teachers, Mrs Lemiski and Mrs Muzzin, his third- and second-grade teachers, are retiring at the end of this year. I can tell you that those teachers were in the classroom long beyond the last bell and they were inevitably there before the first bell. They were prepared to meet with parents; they were prepared to work with kids.

This bill is an attack on the fundamentals of public education and it's an attack on our teachers. When given a choice of who to stand with, the teachers of this province or that government, I choose the teachers every time.

I found the comments from the member for Simcoe North, Mr Dunlop, absolutely appalling when he tried to suggest that teachers didn't do their share, that they were lazy because they had the summers off. I'll remind the member, whose government only sat 40 days in the last session, whose Premier never comes to this House to answer questions, that those teachers work harder than that member. That member is lazy. He doesn't do his job.

Interjections.

Mr Duncan: They get upset about that, but that's what they were saying about teachers. They are extremely—

The Acting Speaker: Thank you.

Hon David Turnbull (Minister of Transportation):

On a point of order, Mr Speaker: The member has been cautioned on many occasions by the Speaker about how inappropriate it is to discuss the attendance of members, including his own leader, who wasn't here for various bills today, and he knows quite well that in point of fact if you measure the number of hours our Legislature has sat in comparison with when they were the government, he knows we have beaten them over and over—

The Acting Speaker: Order. It is of course inappropriate to refer to a member's absence.

Mr Duncan: I never referred to a member's absence.

The Acting Speaker: I'm not sure I heard that.

Now is there a point of privilege, member for Windsor-St Clair?

Interjections.

The Acting Speaker: Order. Questions or comments?

Mr John O'Toole (Durham): In response to the member for Brant, apparently he was a principal in the education system, and I commend him for that and his litany of important teachers. Each of us would thank the important teachers who affect our lives, but I think the member for Northumberland raises a very good point. He could have taken his 10 minutes, as a professional educator, to raise the germane issues here in Bill 74.

I will raise one. I have listened to my riding people, teachers, of whom many of you would know my wife is one, and would say that 98% of the teachers I know, including my sisters, my wife and my oldest daughter, who will be teaching high school this fall, are dedicated, and I'm proud of them. What I am not proud of is Earl Manners and the union rhetoric that has taken over the profession and ruined it. I recall the rhetoric, "Hell no, we won't go," "Six out of eight," that kind of stuff. Most

good teachers will have no problem dealing with paragraph 7.1.

I will say this to you and to the House and on the record: I have cautioned the minister of the importance of making sure the language suits the purpose in Bill 74.

Interjection.

Mr O'Toole: No, no. I think, respectfully, most excellent professional teachers, irrespective of what their unions have said, will be volunteering for the outdoor ed and the weekend tournaments. Whether it's called co-instructional or whatever it's called, they'll be there for the students.

The Acting Speaker: Response?

Mr Levac: The only thing I can say about the members on the other side is that I really feel sorry for you. You've lost the perspective of what I was trying to say.

I want to come back to the member for Sudbury. I apologized to the teachers of Ontario for the way this government has acted and continues to talk. Every single member over there does not get it. You just don't get it. You've got hundreds and thousands of teachers and their families demoralized to a point where you've taken and negated their years and years of dedication and love for children and you've made it snuffy—you've turned it into a little game.

Interjections.

Mr Levac: You're sitting there yapping on, trying to take me off my track. I'll tell you right now, I would be ashamed to have you as a student in my school. I would make sure that you had a code of conduct laid on you so that you would never be able to act that way in a school, ever. The way you treat teachers, the way you treat the trustees, the way you treat the boards of education, I cannot believe it. These are the kind of people we've got running our government, who put people down.

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You should be celebrating and lifting up the people of the province of Ontario. You should be selling those things. You should be telling the people of Ontario that you are exceptionally proud. But no, you've gone down to the gutter. You have played to the lowest common denominator of meanness. You've taken every piece of professionalism that our teachers have and you've turned it into garbage. You cannot stand the fact that somebody has enough dignity in this House to stand up for each and every one of those teachers whom I know I've had and the members on this side have had. Shame on you.

The Acting Speaker: Further debate?

Mr Christopherson: I am pleased to have this opportunity to join in the debate. Let me begin, first of all, by acknowledging the comments of the member from Simcoe North, who corrected my statement with regard to the 15 years; I acknowledge his 18 years' service. I assume, since he was there that long, that he also provided excellent representation to his constituents. So my record does stand corrected.

Let me talk a bit about something that I don't think there has been too much time on. My colleague from Timmins-James Bay did talk about it briefly, but I want

to spend a little more time on it, and that is this whole notion that the government wants to listen, that they care about what people have to say. Let's be very clear about what has happened here in this place. You've introduced this bill, brought us to the point of second reading—not particularly fast for your government, but in the context of the history and tradition of this parliamentary place, it's like greased lightning.

We have a situation where I believe you've done that deliberately to make it very difficult for parents' groups, councils, teachers' organizations—yes, Earl Manners and others—who are legitimate, important stakeholders. You've done this to disallow them the time they need to prepare and comment and give intelligent perspective on an important piece of legislation. In fact, a number of the government backbenchers tonight have acknowledged—I believe the member for Simcoe North and the member for Niagara Falls, among others—that this is very controversial. They made no bones about it. They weren't prodded by anyone or tricked into it. They admitted that this is very controversial.

One would think, when we're dealing with our children's education, where the government members themselves are acknowledging that it's controversial, that you would want to take the time to listen to people who have expertise, who care about this issue, who have knowledge beyond what we have here in the opposition benches, so that in the midst of deciding which way to go when dealing with a controversial issue of this great importance, you wouldn't make any mistakes. We can't afford for you to make any mistakes. Like many of the members here, I'm a parent. I have an eight-year-old daughter. I can't afford and she can't afford for you to make a mistake.

What have you done? Today you've tabled a time allocation motion, which means that this debate tonight is the last debate on second reading. We'll have one more debate, but it will be on the motion to shut off debate. But that's it at second reading, it's done.

One would expect that next I would say to you that as the House leader for the NDP I've received notice that we're going to have ample opportunity to have input into this bill. I would ask anybody watching to draw their own conclusion and make their own judgment. On an issue that the government itself has said is controversial and important, here's how much opportunity you the public have, whether you're a teacher, principal, parent, staff or student yourself, here's how much opportunity you have to participate in the development of Bill 74, an extremely far-reaching piece of legislation: Wednesday, June 7, in the morning, the committee—that would be the justice and social policy committee, which is where this bill is being sent—in Barrie, there will be one whole morning—

Mr Bartolucci: Half a day.

Mr Christopherson: Half a day is correct. One morning, in Barrie; Friday, June 9, Ottawa, one day. After that, there is no more. There is no more after that in terms of public input. I'm going to get to the clause-by-clause, and I'll have a comment about that too, after I finish

commenting on the fact that you are offering, on a bill like this, one morning in Barrie and one day in Ottawa. That's it. No one else gets an opportunity to speak to this. No one else gets an opportunity to make their case or their argument to this legislative committee that ordinarily played an important role. Now it's strictly pro forma. It's just a formality. It's a scam, a sham, something where you can't quite take the next step to eliminate it but you have in effect, in all but name only, eliminated any kind of role for the parliamentary committees to play.

After that, the committee will return on June 12 and they will spend a grand total—if everything goes correctly that day, because it depends when question period wraps up—of a whole two and a half hours for clause-by-clause on a bill that runs 19 pages. We don't know how many amendments.

I can tell you this from personal experience, having just dealt with the construction bill, Bill 69—my friend Mr Bartolucci from the Liberal Party was there also. You should know that there wasn't enough time in one afternoon to even read all the amendments; not debate them, not consider them, not sit back and roll up your sleeves and do the work that committees are supposed to do in terms of a detailed review of legislation. No, no, we did not have enough time to even read all the amendments.

The government amendments were the only ones that were read. I want to tell you, they were speed-read into the record. There was fast voting just to give it legal sanction, because there has to be a vote. But there was debate around one clause, maybe two, but only one that was significant. Even on that one, we didn't get all the answers, if you recall, because we had to keep bringing in staff and taking recesses. I did not fault the parliamentary assistant for that. He's not the expert. That's why he brings in staff. That's one clause. One clause was all we had time for. All of the amendments weren't even read, let alone debated. It's a joke.

That's exactly what's going to happen to Bill 74, a joke of a process. By the time most of the public realizes what has passed, it will long be over. The way you schedule things, when we look at how you've governed over the last five years, your hope is that people will go off into the summer and it will just become one of those things back in history and they will long forget about it by the time school opens again in September. It's so obvious; it's so shameful.

In the less than one minute I have left I want to mention one more thing, and that is that this government continues—although not quite so much tonight—still likes to talk about tax cuts being the be-all and end-all. We know that to pay for your tax cuts, there has been almost \$1 billion taken out of education on a student per capita basis.

Interjections.

Mr Christopherson: On a student per capita basis, you've taken out almost \$1 billion to pay for your tax cut, and now with Walkerton, we're seeing some of the

examples of how those tax cuts are paid for. We all agree that we can always make things more efficient. We can always make things better. We can improve them. But when you cut billions and billions of dollars from our environment ministry, what happens? Walkerton. When you take hundreds of millions of dollars out of our education system, what happens to our kids' education? The sad reality is that we won't know that for a generation or two, but I can tell you that I have no doubt this is not an improvement in our education system.

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Going after our teachers and going after our trustees is not how we rebuild and recreate the kind of environment you talk about and brag about when you talk about how wonderful your upbringing was and the schooling you had. This is not the way to do it. This is how bullies do it. This is not how leaders do it. All we've seen from you is the bully in schoolyard, time after time. I want to tell you, in terms of school board trustees, this whole province ought to be so blessed as to have someone like Judith Bishop, who we have in wards 1 and 2 in Hamilton. That's the kind of person you're wrongfully—

The Acting Speaker: Questions and comments?

Mr O'Toole: To the member for Hamilton West: I question if Earl Manners wrote his speech. I would ask him also, in his reign of government, the social contract, how many public hearings did you have? How much did you consult or did you dictate the opening and ripping apart of contracts?

I would say to you that there has been ample discussion on this issue. Education has been paramount on the minds of Ontario citizens. The quality of education is what this is about, and it's about our students.

I can say that I do have sympathy for some of the remarks made this evening with respect to 7.1, and I think it's important: "The plan required under paragraph 7.1 of subsection (1) shall include a framework within which principals shall operate in assigning the duties...." We're talking about co-instructional time. I can't emphasize too much that the professional individual teachers, not the union leaders, not Earl Manners and not Marshall Jarvis, are all already doing it.

What they're trying to do here is clarify this subsection (2.2): "(a) on school days and on days during the school year that are not school days." Clearly this implies a weekend when they're on an outdoor education program or perhaps a tournament. But yes, there are those who will misconstrue this. It's the union leaders who are beguiling the people of Ontario. What this about is about our students being able to have a tournament and to go camping, and most of the teachers want to do it anyway.

The member for Hamilton West is so far off the track here—

The Acting Speaker: Thank you.

Mr Richard Patten (Ottawa Centre): I am pleased to respond to the comments of the member for Hamilton West, but I must concur with the member for Durham, who just spoke on the government side, when he said that

education has been paramount on the minds of Ontarians. He is absolutely correct. The reason it has been is that this government has been so vindictive and has tried to take money out of education, without declaring it to be so, in the name of efficiency, in the name of providing more quality.

I say to the members opposite that you know as well as I do, because you hear from parents: from parents who have children in special education, from parents who have children in various programs. You hear from teachers and you hear from trustees. Maybe they've given up. Maybe they feel they shouldn't be talking to you any more because you don't listen.

As the member from Hamilton West has rightly underlined tonight, in the name of trying to put a veil on the money that has been taken out of education, we will do certain things, and we'll put the boots to the teachers, and we will impose mandatory volunteerism, which is an oxymoron if ever I heard one. You will be obligated to contribute your time to give freely to the children, which 99% of teachers are doing at the moment, because two school boards, perhaps, in the Durham area, of which the member has just spoken, had a particular difficulty. Do you think they might have had the guts to go in there and talk to them and see what they could do? No. They now impose a system throughout Ontario on all teachers, and they are being destructive to public education in this particular community.

Interjection.

Mr Patten: The member laughs. Public education is being undercut today, I say.

Mr Galt: I was entertained by the member from Hamilton West as he read the speech written by, obviously, Earl Manners, because who else would write a speech with that kind of content? He's so unionized, he listens to them, he gets donations from them, the party gets donations from them, it's no wonder he would read a speech written by Earl Manners.

I wanted to talk about, as part of what he was referring to, the 24 hours a day that they keep wanting to go on—

Mr Christopherson: I win.

Mr Galt: I'm sure, if he's happy that he thinks he's winning over there, he's sadly mistaken.

With the kind of support from the unions and carrying on using their speeches, that's why we're into this. It's because the unions interfered. If the unions hadn't interfered on the co-instructional time, we would not have to be doing this. I think it's unfortunate that it's necessary. The only reason we have co-instructional time in here, telling teachers and principals what has to happen, is because the unions—I underline, the unions—limited what teachers could do, told teachers they couldn't give their volunteer time. That's the kind of thing that's going on in school boards in this province.

What is the solution? I ask the member from Hamilton West, what is the solution when unions use that kind of underhanded tactic and teachers end up with nervous breakdowns because they can't give their time to do

volunteer work for the students in their class? That is why we had to bring in this kind of legislation.

Finally, we're going to put the students first, put the parents first and put the taxpayers first in the province of Ontario. No longer are we going to put the unions first. Thank you very much.

Mr James J. Bradley (St Catharines): What I think we have to recognize, and the member has well recognized, is that despite the rhetoric on the government side about teachers' unions and so on, the people who are directly affected by this are, yes, members of the teaching profession, but indirectly affected are the students in the schools. For years and years we have had individuals in the teaching profession who have given countless hours of time. I was talking to a couple the other day who were getting up at 4 o'clock in the morning to coach rowing, then going into the school and coaching another sport after. We have people who work with the debating clubs, with drama clubs and so on. All these people have done this of their own volition. They have not had to be required by the government to do so. Yet, what we have now is a government which is going to simply pick a fight with members of the teaching profession for no good reason at all.

These are people who have become demoralized by what this government has done. Instead of going to school early in the morning and being enthusiastic about it, instead of going there and saying, "I'm looking forward to the day, to the week, to the weekend, even, when working with students," what we have now is as many people who go into the school system and say, "Mike Harris is finding one more reason to pick a fight with members of the teaching profession." You'll find the students are sympathetic to that point of view. They are very thankful, many parents are extremely thankful, for the additional work that teachers will do with students in our system.

Unfortunately, this government has decided that it's good politics to pick a fight with the teachers. There's a certain group of people out there who like to respond well to the bashing of teachers in our system.

I think ultimately what you have to look at is what the impact is on students. I hope that there are enough

moderate members on the government side to understand this and who are prepared to tell the Premier that he should withdraw this legislation and start again.

The Acting Speaker: Response?

Mr Christopherson: Thank you very much, Speaker. Let me also thank the members for St Catharines, Durham, Ottawa Centre and Northumberland. Let me say to the member for Northumberland that when he said he was speechless in responding to my comments, I felt at that moment I won. I won at least that round, if not the overall war. I'll take it as probably the highlight of the evening that I made the member for Northumberland speechless.

I agree with my colleague from Ottawa Centre when he talks about the member for Durham's comments, that the quality of education has been paramount in the minds of the people of Ontario. That's true, and it certainly was in the last election. The reason for that is because people were so upset about what you've done to the education system.

Health care and education were the two big issues when you went door to door. We all know this. The two issues were health care and education. It wasn't because they wanted to compliment you. It was because they were so upset with the damage you had done to the education system.

I want to agree with the member for St Catharines. No matter how much you try to throw around the word "union" like it's evil or dirty, I would also say to all of you over there, how come you don't use the same kind of tone or language when you talk about police unions, or when we talk about doctors' unions, or how about investment unions? There are other collectives in our society. But you choose to use, as always, the divisive tone, "Divide and conquer." The problem is that it's not just a political game; it's our kids' futures. That's what hurts so much.

The Acting Speaker: Thank you. It being 9:30 of the clock, the House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2133.

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**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 31 May 2000

Mercredi 31 mai 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 31 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 31 mai 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

WATER QUALITY

Mrs Sandra Pupatello (Windsor West): Events in Walkerton over the last couple of weeks have made all of us not just sad but have left us with many questions and, in particular, have given a whole new meaning to the area and to the cause of red tape and cutting of red tape.

Many of us have always followed this Red Tape Commission and looked at the kinds of things that were being advanced as simple bureaucracy, needless bureaucracy, that in fact are turning into what really is life and death on many fronts, in particular the area of the environment. Where I come from, the Great Lakes cleanup is a perfect example, where both the Ministry of Natural Resources and the Ministry of the Environment have made cuts, significant staff cuts, budgetary cuts, that have resulted in less being available for cleanup and, frankly, less availability of people who are in the business of cleanup and ensuring that legal levels of toxins are even acceptable.

What we are seeing in Windsor now is a rise in the level of mercury in the Detroit River. What we see now is that local councillors who are participating in committees are begging the province to come to the table. In fact, they are not even meeting the obligation they signed on to in agreements with the Canadian government.

I would like to call on the Ministers of the Environment and the Minister of Natural Resources to do a complete review of all of the cuts they have made as they relate to the cleanup of the Detroit River, to its obligations to international agreements which they signed on to and now are not coming to the table and fulfilling.

EVENTS IN DURHAM

Mr John O'Toole (Durham): I'm pleased to rise today to inform the House of an upcoming event in my riding of Durham. The Lake Scugog Historical Society has once again organized an annual Steamboats on the Scugog Festival, which will be held on June 9, 10 and 11.

The festival takes place at Port Perry, which is located on Lake Scugog, part of the Trent-Severn system. Over 50 steamships are known to have plied these waters, and

the festival celebrates the age of steamship, antique boats and nautical history in general.

The organizing committee of Ken Gadsden, Mike McGill, Jim Musselman, Bruce Aikens and the chairman, Paul Arculus, has been hard at work putting together this outstanding community event. The Port Perry Chamber of Commerce and Port Perry Business Improvement Association have supported the efforts of this committee.

This year's event will feature the legendary steamboat from the 1951 movie *African Queen*. The steamboat's owners Jim and Barb Hendricks will be towing the 30-foot steamer all the way from Florida to attend the event.

Also on hand will be Woodwind Yachts, with a display of their boat restorations, classic and antique steamboats from across the province, the Antique Outboard Motor Club and model engineer clubs from across the Kawarthas and the province. The Port Perry High School band will provide entertainment.

The nautical events in Port Perry don't stop there. Our annual Canoe the Nonquon event will take place this Saturday morning. This fundraiser for the Scugog Shores Historical Museum is the province's oldest continually running canoe race.

I encourage all boat lovers across the province to attend the festival of boats in Port Perry in my riding of Durham.

WALKERTON TRAGEDY

Mr George Smitherman (Toronto Centre-Rosedale): Before I begin my statement, I'd like to acknowledge a group of distinguished visitors from my great riding of Toronto Centre-Rosedale who are in the west members' gallery.

My member's statement is on the subject of the situation in the town of Walkerton, and I would like to convey my sympathies to the people in that town.

Yesterday in this House Ontarians were treated to an incredible display of Tory arrogance. Not only did the Premier suggest to the people of Walkerton this soothing sound bite, "The procedures in place were sound," but he also defended the view that it is appropriate for an accused party to investigate itself. This from a government that purports to be tough on crime.

We witnessed the cabal of dumped Tory cabinet ministers laughing up a storm while this Legislature was engaged in the debate about the tragic events in Walkerton. Then, to top it all off, we had the member for Brampton Centre, the same member who sponsored a bill to audit

food banks, offering the following comeback to passionate demands for an independent inquiry: He said that's the way it's going to be because "we're the government and you're the opposition." I got in his face outside the Legislature, and I'll be in Brampton tonight, where I'll put it on the record again. He is under the mistaken impression that a majority government absents him and his party from being held accountable for the impact of their decisions—decisions which have contributed to death.

YORK CENTRAL HOSPITAL

Mrs Tina R. Molinari (Thornhill): I am very pleased to report that the York Central Hospital, which serves my riding of Thornhill, is preparing to open its new \$25-million Continuing Care and Rehabilitation Centre. This is a much-needed complex which will greatly benefit the residents of Thornhill. At capacity, the building will contain 116 long-term-care beds, 90 complex continuing care beds, 32 rehabilitation beds, a dialysis unit, an adult day program and a child daycare centre.

The facility is among the most modern of its kind in central Ontario, going beyond what is traditionally offered at a nursing home. Providing opportunities for intergenerational activities, the presence of a child care centre on the ground floor provides 60 care spaces for children of hospital staff and the community. The centre also features an outdoor play area, rest and dining areas. Also on the first floor will be an intergenerational chapel, rehabilitation assessment and treatment areas, patient dining and lounge rooms, an outdoor patio and recreation area and solarium.

Every patient room features a large window, and 60% of rooms are single occupancy, while the rest accommodate two patients. Wheelchair-accessible balconies also permit residents to get outside for fresh air.

The first residents will move in on June 6, and the centre will officially open on June 26. They will be gradually placed over a four-to-six-week period so that staff and residents may become accustomed to the facility. This centre will be a tremendous asset to Thornhill.

MINISTRY OF THE ENVIRONMENT

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I rise today to express my sympathy to the families of Walkerton who have lost family members due to the negligent manner in which this government has proceeded with cuts to the Ministry of the Environment.

On March 13, after confirmation from the MOE local rep that the village of Cumberland had sewage and water problems that could affect the health of the community, the mayor wrote to the minister requesting assistance. The minister wrote back two months later stating that the provincial water protection fund was created to help municipalities, but there was no more money available for the village of Cumberland. Today we have 20 families in the village of Cumberland and 60 families in the village of Osgoode that have been told by the Ottawa-

Carleton medical officer to boil their water due to coliforms found when their water was tested.

Are we going to wait until we have another Walkerton in eastern Ontario or is this government prepared to admit their mistakes and reinstate the responsibility for testing back to the provincial level? Mr Sterling said that his government should have done more when handing over the responsibility for water testing to the private sector. I beg the minister to act immediately for the villages of Cumberland and Osgoode to ensure that we don't have any more deaths due to the negligence of this government. Enough is enough.

MEMBER'S WEB SITE

Mr Tony Martin (Sault Ste Marie): I rise today to share with the Legislature and with the larger community of Ontario out there something that I launched in my own community from my constituency office last Wednesday, and that is the existence now of a Web site that people can plug into and get information from and communicate with me on a variety of issues. The address of the Web site is www.tonymartinmpp.com and one of the first offerings on that site is a newsletter I put out this past week that focuses on a couple of things I think we need to enter into dialogue about. One certainly is the economy, and the other is the Canadian narrative: where it is that we're going, and are we keeping in the spirit of the story that our forefathers developed and that we have worked so hard to develop over a number of years.

Under the area of the economy, I believe that together we can build a strong, vibrant community where our businesses, labour, institutions and families can flourish. Leo Gerard calls it the "real economy." Much more than a dot.com virtual company, the real economy is based on real work by real people making real products. We need to talk about that. You can talk to me about that by plugging into my Web site.

I also talk about the story we've all spent so much time and effort developing, the Canadian story, which is about community and co-operation as opposed to individual pursuit and competition. I think we need to get back to that. I want to hear from people about that.

1340

KYLE PETTEY

Mr Doug Galt (Northumberland): I rise in the House today to once again pay tribute to Kyle Pettey. Kyle Pettey is an outstanding young man and a successful athlete who resides in my riding of Northumberland. When I brought your attention to Kyle back in October, he was in Australia competing at the Southern Cross World Games. When he returned home from that event, he was proudly wearing a gold medal around his neck.

Today I'm pleased to announce that Kyle has set a new world record in the discus throw at 35.96 metres. This record was set at his first track-and-field event this year in Sarnia on May 13. This new record places Kyle in

a good position to qualify for the Canadian Paralympic team and compete at the Year 2000 Olympics in Australia.

Despite being diagnosed with cerebral palsy and breaking his back in a farming accident, Kyle has managed to beat the odds and become one of Canada's top amateur athletes. I applaud him for all his successes and I hope that Kyle will be selected to join the national team.

I know, Mr Speaker, that you join in extending our best wishes to Kyle, his coach, John Potts, and his family. His family and Mr Potts have been tremendously supportive in this young man's athletic endeavours.

WASTE DISPOSAL

Mr James J. Bradley (St Catharines): In the wake of the Walkerton tragedy, we have learned of another frightening situation in Hillsburgh, Ontario, a farming community near Fergus, where a portable toilet operation is proposing to dump untreated human waste on a field it owns in the town.

This property is situated on one of the higher elevations in the area and is located between two branches of the West Credit River, and north of the property is a source of the Grand River. Within a one-kilometre radius of the site, and inevitably the recipients of a waste runoff, are a public school, a subdivision of approximately 35 homes, which all rely on wells for their drinking water, and a site where a water bottling company is extracting water. This field's runoff ends up in three separate creeks and a small lake.

Believe it or not, it gets worse. Apparently the owner of this company is planning not just to spread the waste from his own toilet but is also contracting to haul additional sewage to the site for untreated dumping.

I don't think it is necessary for me to paint a detailed picture of the toxic cocktail that would be produced as a result of this dumping and the potential consequences that would result if this project is allowed to proceed. While this proposal is currently being reviewed by Ministry of the Environment officials, local residents fear that the criteria for review do not adequately address such important considerations as site elevation and the possibility of water contamination.

On behalf of the residents in the area and in the interest of protecting public health, I call on the Ministry of the Environment to ensure that this extremely dangerous dumping plan is not allowed to proceed.

MAURICE RICHARD

Mr Garry J. Guzzo (Ottawa West-Nepean): Today in the city of Montreal a great Canadian and an exemplary citizen is laid to rest. He was also a pretty fair hockey player. For those of us old enough to remember black-and-white television, we remember his prowess as a player and we appreciate the accolades bestowed upon him today. We also understand the admiration demon-

strated by the thousands who expressed their public condolences in the past three days.

Maurice Richard continually reminded each and every one of us that he was just a hockey player, and yet today we witness a show of respect usually only afforded to the passing of a head of state. In a shy and reserved but very dignified manner, Mr Richard became an ambassador for the game he loved, an ambassador for the province and the country he loved, a true icon who embodied the spirit of his people in the 1950s and carried it through to the new millennium. The game has seen people with more God-given talent, but mine eyes have never seen his equal as an athlete.

A former linemate of the Rocket's once told me: "He could make us win when we thought we wanted to quit. He could carry an entire team on his back without a word, just an icy stare."

We in Ontario join with all Canadians in expressing our sincere condolences to the entire Richard family. We also express our thanks for allowing Canadians the opportunity to express the public outpouring of respect recorded in the last three days.

Ms Caroline Di Cocco (Sarnia-Lambton): On a point of order, Mr Speaker: I'd like to recognize members of a delegation who are here from the chamber of commerce in Sarnia-Lambton.

The Speaker (Hon Gary Carr): It's not a point of order, but we're very pleased to have our visitors here with us today.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Ms Frances Lankin (Beaches-East York): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill without amendment:

Bill Pr4, An Act respecting the Certified General Accountants Association of Ontario.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

INTRODUCTION OF BILLS

COMPENSATION FOR VICTIMS OF CRIME AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR L'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS

Mr Duncan moved first reading of the following bill:

Bill 80, An Act to amend the Compensation for Victims of Crime Act to remove maximums for compensation awards to victims / *Projet de loi 80, Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels pour supprimer le plafonnement des indemnités accordées aux victimes.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Dwight Duncan (Windsor-St Clair): Robert Montfortin of my riding was severely injured in 1971 as the result of a crime. He was stabbed viciously on a number of occasions. Under the existing act that compensates victims of crime, his compensation will be cut off by this government as of June 1. I have written to the Attorney General on numerous occasions, sought meetings for Mr Montfortin, sought to have the government intervene and they stubbornly refuse to do this.

We on this side of the House want to stand up for the victims of crime, unlike the all talk, no action crowd opposite.

SAFE SCHOOLS ACT, 2000 LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Mrs Ecker moved first reading of the following bill:

Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / *Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

1350

HUMAN TISSUE GIFT AMENDMENT ACT, 2000 LOI DE 2000 MODIFIANT LA LOI SUR LE DON DE TISSUS HUMAINS

Ms Lankin moved first reading of the following bill:

Bill 82, An Act to amend the Human Tissue Gift Act to establish a routine referral system to coordinate activities relating to tissue donation on death / *Projet de loi 82, Loi modifiant la Loi sur le don de tissus humains afin d'établir un système de notification systématique destiné à coordonner les activités relatives au don de tissus au moment d'un décès.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Ms Frances Lankin (Beaches-East York): This bill amends the Human Tissue Gift Act by adding a new part IV to establish routine referral systems to coordinate activities related to tissue donation on death.

A new Ontario tissue donation agency will operate a province-wide register of consent and work with health facilities to ensure that opportunities for donation are not missed. The steps to be taken by such health facilities, when potential donors in their care die or are near death, are set out in detail. If consent is refused, no further action may be taken.

The bill also amends the Health Insurance Act to require that a person 16 years of age or older to whom a health card is issued must first have an opportunity to give or refuse consent to tissue donation on death.

Currently in Ontario there are over 1,700 people awaiting organ transplants. Also currently in Ontario we do less than 300 transplants a year. In other jurisdictions, like Pennsylvania, North Carolina, Arizona, New Jersey, New York, Maryland, Tennessee, Illinois, and European countries, this kind of legislation has increased tissue and organ donation by over 50%. It's the gift of life. I'm hopeful that the Legislature will see fit to pass this bill.

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that, notwithstanding the order of the House dated May 29, 2000, the House not sit today from 6:45 pm to 9:30 pm.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon Gary Carr): Do we unanimous consent? Agreed.

Hon Mr Sterling: I move that notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 29.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

MINISTERIAL STATEMENT

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): Next on your list will be ministerial statements, and today we're having two statements from the Minister of Education and the Minister of Health. I would seek unanimous consent that the Attorney General also be allowed to give a statement without supplying a written copy to the opposition parties as required by the standing orders.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: My understanding is that the Attorney General will be announcing the appointment of a public inquiry that we've been demanding for four days. I would ask the government House leader, would it not be appropriate for the Premier of Ontario to stand in this House and announce the appointment of that public inquiry?

The Speaker (Hon Gary Carr): The request is for the Attorney General. Is there unanimous consent? Agreed.

STATEMENTS BY THE MINISTRY
AND RESPONSES

FEDERAL HEALTH CARE SPENDING

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I rise today to report to the members of this House on yesterday's meeting of provincial and territorial health ministers in Quebec City.

Yesterday, the provincial and territorial health ministers demonstrated once again their firm commitment to a publicly funded health system in Canada, and also to continue with health care reform and innovation. They are also committed to continuing to work together collaboratively to meet the health care needs of Canadians.

It is no small accomplishment that all the provinces and territories of Canada remain united in seeking the unconditional restoration of federal funding for health care. In our joint statement released yesterday, the provinces and the territories unanimously agreed to four points:

First was the immediate, unconditional reinstatement of the Canada health and social transfer to the 1994-95 level of funding.

Second was that there be an appropriate escalator attached to CHST funding.

Third, the provinces expressed their continued commitment to exploring the innovation and adaptation necessary to ensure the sustainability of a quality, publicly funded health care system in Canada.

Finally, we reviewed a draft report on factors driving costs in the health care system and we agreed to forward the report to our Premiers after final revisions.

Once again, at the conclusion of this meeting, all of the provinces and territories unanimously agreed to ask the federal government to do its share for health care in this country. Full restoration of the \$4.2-billion cut from

the CHST, and an appropriate escalator, is a very modest request in light of the challenges we are all facing.

The provinces and territories are all working very hard to improve and update our health care systems. We are doing what is needed to respond to an aging and a growing population, and all of the provinces and the territories are responding to the increasing demands for new services, new technologies, new drugs, and for new and costly procedures as well as increasing public expectations.

As health ministers, we want to move forward to restore the confidence of the people of Canada in their health care system. Our position is clear: All want immediate action for health funding from the federal government.

The provinces have committed to the reform and the innovation that has been asked for, and now we await a commitment from our partner, the federal government.

In Montreal, in Markham, and now in Quebec City, the provincial and territorial health ministers of this country have remained united in their request, and we will remain united in the days and months to come. We will continue to seek restored federal health care funding from Ottawa to ensure that all Canadians can rely on an effective, publicly funded health care system now and in the future.

EDUCATION LEGISLATION

Hon Janet Ecker (Minister of Education): Parents, students and teachers have told us they want their schools to be safe, respectful environments for learning and teaching. I am sure every member would agree that students, teachers, staff and parents have the right to be safe and to feel safe in their schools.

We have clearly heard those concerns. We are taking action, as promised, to ensure that respect, responsibility and safety are a fundamental part of our education system.

The Safe Schools Act that I have introduced today addresses behaviour, discipline and safety in our schools. If passed, this proposed legislation would give legal authority to the provincial code of conduct and related safe school initiatives that I announced last month.

The proposed amendments will fulfill our government's commitment to make Ontario schools safer by promoting respect, responsibility and civility; by setting clear, consistent province-wide standards of behaviour; and by setting clear consequences for not meeting those standards.

1400

Just as we have rights as citizens, we also have responsibilities. The provincial code of conduct sets clear, consistent province-wide standards of behaviour for everyone involved in the education system. Many school boards have varying codes and rules for safety, but this legislation will ensure that there are clear province-wide standards, especially for the most serious infractions, like bringing weapons to school.

In addition to the province-wide code of conduct, school boards will continue to establish their own procedures and set consequences for less serious infractions.

This government believes that parents and community members are important partners in the education system. Their involvement makes a difference in their schools and in their child's achievements. This legislation clearly recognizes that role by ensuring that school councils be involved when a school board is developing its code of conduct and safe school policy.

People have told us they want classrooms that are conducive to a respectful learning environment and schools that promote responsibility on the part of our students. In order to accomplish this, teachers need to have the authority to take action in their own classroom, and principals need to do the same for their school. That is why the proposed act would give teachers the authority to suspend students for one day. Suspensions that warrant more than a day will be referred to the school principal. Principals, as is the current practice, would continue to be able to suspend students for up to 20 school days, but the legislation would also extend to principals the right to expel students for up to one year.

As I said when I first introduced the code, every use of authority must be balanced with the appropriate process, so the legislation will give parents or guardians the right to appeal suspensions and expulsions by school boards or principals.

The proposed legislation also sets mandatory requirements for students who have been expelled to attend strict-discipline or equivalent programs in order to re-enter the regular school system. Parents and guardians want to see appropriate programs for students who have been suspended or expelled from school. This government agrees. Sending them out on the street only puts the problem somewhere else.

We recognize that teachers can't teach and students can't learn if they fear for their safety, and in too many classrooms across the province this is still the case. These amendments would allow for such things as criminal background checks of anyone working in a school to better ensure the safety of students, staff and volunteers.

Incidents of school violence are often started by outside troublemakers. Many parents, students and teachers have told me they believe a school dress code or uniform is not only a good way to encourage respect and responsibility but that it also contributes to a safe school environment. These amendments would give the government the ability to issue guidelines to school boards which would allow a majority of parents at any school in Ontario to have a dress code or require a uniform for their children. Principals would also be given authority to ensure that anyone who poses a threat is denied access to school property.

Finally, in order to instill pride and respect, the proposed amendments would also require schools to include the singing of O Canada as part of their daily opening or closing exercises. As well, schools may include the daily recitation of a pledge of citizenship.

Interjections.

Hon Mrs Ecker: These amendments are about making the rules of behaviour and the consequences clear to everyone, something the opposition over there could use today. They clarify the roles and responsibilities we all have to ensure safety and respect in our schools.

The amendments I have introduced build on previous reforms we have made to ensure that Ontario schools deliver the best education possible for all of our students. It is another step in making sure that Ontario's publicly funded education system is not only the safest but the best that it can be.

WALKERTON TRAGEDY

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The Premier has today announced that in order to get to the bottom of the Walkerton tragedy the Ontario government will appoint a judge or a retired judge to a commission of inquiry under the Public Inquiries Act.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock, please. We have a very important statement that the people of this province want to hear and, as we did yesterday, we are not going to put up with people yelling and screaming during that period of time. This is a statement that the people of this province want to hear, and they deserve to hear it.

Hon Mr Flaherty: As I was mentioning, in order to get to the bottom of the Walkerton tragedy, the Ontario government will appoint a judge or a retired judge as a commission of inquiry under the Public Inquiries Act. The Premier stated today that the families of Walkerton victims demand answers; the Ontario public demands answers; and he indicated that of course he demands answers. That's why he has called for a full, open and public review of what went wrong and why.

As a result, the government has decided that the open and public review for which the Premier has called should take the form of a broad commission of inquiry. The Premier has asked me as Attorney General to draft the broad terms of reference for the commission. The commission should examine what went wrong in Walkerton in order to prevent a similar tragedy from occurring. I expect to announce details of the commission within 10 days. Under the Public Inquiries Act, a commission is appointed by cabinet and has full power to determine the procedure to be followed at the inquiry. Hearings on an inquiry are generally open, and the commission has the power to summon witnesses, compel the production of documents and receive sworn testimony.

In the hope that it's of some assistance to the House, I'll comment a bit further on the nature of public inquiries in Ontario. In Ontario, an inquiry under the Public Inquiries Act may be called when the Lieutenant Governor in Council considers it expedient with respect to a matter connected with or affecting good government in Ontario, the conduct of public business or the administration of

justice. The practice and procedure of an inquiry is controlled by the commissioner. Hearings are open to the public, with narrow exceptions. Interested persons must be given an opportunity to give evidence, to call, examine and cross-examine witnesses. Before a finding of misconduct can be made against an individual, that individual must be given reasonable notice and must be allowed full opportunity to be heard during the inquiry in person or by council. The commission has the power to compel by summons and to state a case to the court for contempt in the event of a failure to obey a summons. No evidence given by a witness at an inquiry shall be used against that individual or be receivable into evidence in any trial or proceeding against him or her thereafter, except for a prosecution for perjury. Testimony and evidence given subject to privilege is not admissible into evidence. A commissioner may appoint investigators and apply to the court for search warrants.

A recent example of a public inquiry in Ontario with respect to which members will be familiar was the inquiry by Mr Justice Kaufman into the Morin prosecution. For details with respect to the procedures on public inquiries, I would invite members to have reference to the Public Inquiries Act itself, which of course is in the revised statutes of Ontario at chapter P.41, which sets out the powers of the commissioner, the procedures to be followed and so on in more detail than I have indicated today.

Mr Dalton McGuinty (Leader of the Opposition): I say this in the sincerest way possible, with no disrespect to the Attorney General. This is really a statement that should have been delivered today by the Premier. This is a crisis of overwhelming proportions. Two more people have died as a result of this tragedy since we last met in this chamber yesterday. It may very well be that the toll is up to nine once all of the facts come out. A community has been nothing less than devastated, and people throughout Ontario at this point have had their confidence in their own water deeply shaken. It seems to me that something of this magnitude, something of this impact, something that connects all of us, our water, should require the response of the Premier of Ontario.

1410

This is good news for the people of Walkerton, it is good news for those families who have lost loved ones and it is good news for people right across Ontario. But it is sad that what motivated this announcement today was not a genuine desire to get to the bottom of this issue. It was because they felt the heat and not because they saw the light. They decided that they had no choice, as a result of tremendous pressure that was brought to bear not only by members sitting on this side of the House but by people right across the province of Ontario, but particularly by people inside the community of Walkerton.

There is sadness connected with their motivation, and I must say in all honesty that it would be nothing less than offensive if this inquiry were to be a trick. For this inquiry to be of real and genuine value in these tragic,

sad circumstances, it must leave no stone unturned and it must shed light in each and every corner. It must be a full and comprehensive inquiry, and I want to put the government members on notice that we want a seat at the table when it comes to establishing the terms of reference for this inquiry.

I want the Premier's assurances that everybody connected with this matter, from the Premier on down, all of the cabinet ministers, all government staff, all officials, all documentation, all evidence, will be forthcoming upon the request of those people heading up this inquiry. Anything less than that will severely limit the work of the inquiry and its credibility. Let's assume there is some good faith here and that the government really does want to move forward on this matter in a positive way. Then we insist on having a seat at the table. We insist that everybody, from the Premier on down, make him- and herself available to respond to questions that are going to be forthcoming from the inquiry.

I am somewhat concerned because in the news release put out just a short while ago, it says here, and this comes from the office of the Premier, "[T]he commission should examine what went wrong in Walkerton, in order to prevent a similar tragedy from occurring." I hope I'm not reading too much into this by thinking it's going to restrict itself specifically to the events that occurred at Walkerton, because that would not be enough. That would not do justice to the extent of the tragedy that has touched all Ontarians. It is nothing less than essential that this inquiry be conducted in a comprehensive way, arm's length from the government, arm's length, in fairness, from all politicians. That's the only way that we can do justice to the people of Walkerton, to the seven people who have died, to their families and to all Ontarians who have developed a real, pressing concern about the safety of their own water.

Again, I want to thank the government for this announcement, but we look for much more by way of reassurance that this is a genuine effort to get to the bottom of this.

Mr Howard Hampton (Kenora-Rainy River): First of all, a response to the Attorney General. I read the news release from the Premier's office carefully and I want to say to the Attorney General that this is a step forward, but this is a step not nearly forward enough, because your press release specifically says the commission should examine what went wrong in Walkerton. But we already know today that the issue of water quality, the issue of water safety, now extends to Freelon, to Shelburne. A young woman is sick in Sudbury. There have been concerns in Thunder Bay, in Dryden, throughout Huron and Bruce county and, finally, there are problems in North York. If I may, I want to suggest to the Attorney General that this should not be an inquest into what went wrong in Walkerton, although that must be covered in this inquest; this should be a commission into the safety of Ontario's water supply. That should be the subject of this commission.

I want to note for the Attorney General that this is not the first time that your government has had to call a commission of inquiry. Earlier in the history of your government the then Attorney General, Charles Harnick, appointed Judge Estey to head up an inquiry. But in doing that he said that he would not be preparing the terms of reference himself, that the House leaders would sit down with the government House leader to ensure that the inquiry covered all of the issues that needed to be covered. I want to quote from Hansard, because the Deputy Premier, Mr Eves, at that time said: "The government has no problem with a public inquiry into this matter and I would be happy to discuss the matter with the other two House leaders tomorrow morning." That is when he was Deputy Premier and House leader.

To ensure that this inquiry at least gets off on the right foot, I'm asking that when the Attorney General leaves this Legislature later on today and you deal with the members of the press, you will indicate that this will be a commission of inquiry into the quality of Ontario's water and the safety of Ontario's water, that the tragic events that happened in Walkerton will be covered in that, but so will the other issues that have arisen since the events in Walkerton. And I would ask that you indicate as well that you are prepared, or the government House leader is prepared, to meet with the House leaders of the opposition parties to work out the terms of reference, because if this is strictly an inquiry into what went wrong in Walkerton, then it will be nothing more than a duplication of what the coroner's office is supposed to do. The coroner's office announced earlier today that they will look into the issues surrounding the deaths of nine people in the Walkerton area.

If you intend to narrow this inquiry into simply what went wrong in Walkerton, then it will not be in any greater detail than the coroner's inquiry, and that would simply be wrong. So I'm asking that when you leave this Legislature this day, you will satisfy us on those two points: that the House leaders will meet to determine the terms of reference, and that it will be an inquiry into the water safety and the water quality for all Ontario residents.

EDUCATION LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): I want to say just a few words to the Minister of Education, because the Minister of Education today has made a statement.

I find it interesting that a government which breached the privacy laws which protect the privacy of the citizens of Ontario, a government which then got involved in a process to obstruct the privacy commissioner and a government which has tried to deny its responsibilities for the tragedy in Walkerton, now assumes that it is in the position where it is going to set codes of conduct for other people in the province. I would say that if there needs to be a code of conduct, it is a code of conduct for this government. Nowhere are teachers asking for the

right to suspend students. Teachers aren't asking for that. They know that's not their role. They don't want to be put in that role. But that's exactly the kind of inane thing you're going to do in this code of conduct, and it is wrong and you shouldn't be doing it.

1420

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: I seek unanimous consent to move a motion without notice regarding the business of the general government committee with respect to the tragic events at Walkerton.

Mr Dwight Duncan (Windsor-St Clair): On the same point of order, Mr Speaker: The official opposition will grant unanimous consent on this, but I would like to point out to you, sir, that had the government agreed with Mr McGuinty's amendment to its own motion, they'd be doing in effect the same thing, only three days earlier.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

MOTIONS

STANDING COMMITTEE ON GENERAL GOVERNMENT

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that the referral of the House of May 29, 2000, to the standing committee on general government to consider and report on the circumstances leading to the tragedy in Walkerton and voted against by members of the opposition be discharged.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: The official opposition was informed that the Premier would be in the House today. Indeed, his schedule showed that he would be in the House. We have not been told otherwise, that he will not be in the House. Clearly, we want to have the opportunity to question the Premier on these events.

Hon Mr Sterling: Mr Speaker, I'm informed the Premier will not be here today.

The Speaker: The member for Windsor-St Clair on a different point of order.

PREMIER'S ATTENDANCE

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, if I may, we were told that the Premier would be here. Please, this is a serious circumstance. We were informed that the Premier would be here. Indeed, the Premier's schedule showed that he would be here. This is an extremely important debate, and the tradition of this House has been that we would be informed in the event of a minister's not being here.

I call on you, sir, given the fact that we were told the Premier would be here, given the significance of events today, that you summon the Premier to the House to answer questions, or, alternatively, recess for five minutes to allow the government to consider getting the Premier into this House to answer questions.

The Speaker (Hon Gary Carr): The member will know that I do not have the power to send for anybody in this position. The members will know that the Speaker does not control who is coming and who is not here. I know there is a tradition of letting the opposition know out of courtesy.

Interjections.

The Speaker: Order. Sometimes circumstances do change. There is nothing in the standing orders that the Speaker can do regarding that.

Interjection.

The Speaker: The member for London-Fanshawe, come to order.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I would seek unanimous consent, consistent with the request of the official opposition, that we recess this House until such time as the Premier can be here to answer the questions. It's not acceptable that he would avoid the House on this day.

The Speaker: I'm going to listen very carefully. Is there unanimous consent? No, I'm afraid there is not.

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): On a point of order, Mr Speaker: It occurs to me that we have been discussing this tragedy since the beginning of the week and we have not collectively shared in a moment's silence on behalf of the community, families, and those who have died. I seek unanimous consent that we do that presently.

The Speaker (Hon Gary Carr): Unanimous consent? I'm afraid I heard some noes.

Interjections.

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I don't think we heard clearly on this side of the House what the unanimous consent was for.

Interjections.

Hon Mr Stockwell: I didn't hear it. I say to the members opposite, I appreciate the fact you're upset—

The Speaker: If the Minister of Labour would take his seat.

Once we settle down, you can do the point of order.

Point of order, Minister of Labour.

Hon Mr Stockwell: I don't think we heard clearly on this side of the House what the unanimous consent was for.

Mr Gerry Phillips (Scarborough-Agincourt): You did too. You're making it worse, Chris.

Interjections.

Hon Mr Stockwell: I didn't hear it. I say to the members opposite, I appreciate the fact that you're upset—

The Speaker: Minister of Labour, take his seat.

Interjections.

The Speaker: I believe, if I'm not mistaken, that what the leader of the official opposition was asking for was a moment of silence for the people of Walkerton. I hope I got it correctly.

Interjection.

The Speaker: Just a second. We're dealing with one. That's what he asked for. Is there unanimous consent? Agreed. If all members and our friends in the gallery could rise for a moment of silence.

The House observed a moment's silence.

The Speaker: I thank everyone. It is now time for oral questions.

ORAL QUESTIONS

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Attorney General. Minister, you have announced that we're going to have a commission of inquiry. I want to better understand from you whether or not this commission's work will have as its objective a comprehensive review of the safety of water throughout Ontario, including those facts leading up to the tragedy that occurred at Walkerton. Is that the kind of inquiry we're talking about?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The terms of reference for the inquiry will be broad. I will have an opportunity to discuss the terms of reference with whoever the commissioner may be over time.

One of the advantages of the Public Inquiries Act and that system of public inquiry in Ontario is that it is open to the commissioner to address systemic and broad issues. As the Leader of the Opposition no doubt knows, a public inquiry under the Public Inquiries Act is the highest form, if I may put it that way, of inquiry within the statutory structure of the province of Ontario.

Mr McGuinty: Minister, can you assure us that my House leader and representatives from the third party, as well as representatives from your government, will be at the table when it comes to drafting the terms of reference, at the table when it comes to the makeup of the commission and at the table when it comes to choosing a time frame in which a report must be made available? Can you provide us with that assurance?

Hon Mr Flaherty: As the Leader of the Opposition knows, he had the opportunity to have a legislative committee with members from his party participating. It was the Leader of the Opposition who demanded that the Public Inquiries Act be used. It is now going to be used. I will have to discuss the terms of reference with whom-ever the commissioner is going to be. I can assure the Leader of the Opposition that if he has input which he would like to convey with respect to what the terms of

reference, in his view or in his party's view, ought to be, I'd be happy to receive and consider those.

1430

Mr McGuinty: I'm getting the sense here that, as nothing more than perhaps a passing courtesy, you're going to allow us to participate in establishing the terms of reference for this very important public inquiry. I want to put it on the table now that that is completely unacceptable. That is a non-starter. We think representatives from all three parties should be involved in establishing the terms of reference, deciding the makeup of the commission and deciding when they're going to report. You can't now appropriate all authority over this inquiry. I want to make it perfectly clear that is unacceptable to us. You cannot move from a cover-up committee to some kind of a cover-up inquiry.

I'll ask you again: Provide us with an assurance now that we will be able to participate in establishing the terms of reference and establishing the makeup of the commission and the time frame within which the commission must report.

Hon Mr Flaherty: I thank the member opposite for his question. I'm trying to say yes; I thought I had said yes already. If the Leader of the Opposition has input which he would like to convey to me in terms of the terms of reference, I would be pleased to receive that input, and I'm sure it will make an effort to deal with the issues that ought to be dealt with by the commissioner, whoever that may turn out to be.

I would commend to all members—perhaps it will take some time to do this—to have a look at the Public Inquiries Act to refresh their memories with respect to same, because it does offer substantive guidance and procedural guidance with respect to the powers that the commissioner has and the subject matter that the commissioner can deal with.

The Speaker (Hon Gary Carr): New question.

Mr McGuinty: A question to the same minister: I'm sure you're familiar with the terms of reference that were established for the Estey inquiry, which was conducted under the terms of your government not that long ago. You will know that the terms of reference there were established by order in council. You give the commission their marching orders. That's how it works. You don't sit down with them and ask them what they would like you to do; you tell them what you want them to do.

We want to participate in establishing the terms of reference. You can't simply extend an invitation for me to contact you. I want a process whereby representatives from each of the parties can meet, ideally later this afternoon, and begin to work together to draft comprehensive and responsible terms of reference. That's what I want. That's the only way we will have a commission of inquiry that's going to have a tremendous amount of credibility attached to it. Will you give us that?

Hon Mr Flaherty: As I say, the procedure and the substantive provisions are in the Public Inquiries Act. That act has been used by previous governments several times with respect to public inquiries. It was used by the

previous Liberal government in 1988: the Honourable Judge Colter and the Niagara commission. The same procedure was used by the Liberal government in 1989 in the Houlden Commission of Inquiry into the Relationship Between Certain Individuals and Corporations and Elected and Unelected Public Officials, also known as the Patti Starr inquiry, I believe. It was used again in 1990, I believe by the Liberal government, with respect to their reports on disposition of material generated and collected by the Houlden inquiry.

As I say, governments in the past 15 years have used this method of inquiry, which is statutory and not discretionary. I again commend to members the usefulness of referring to the Public Inquiries Act.

Mr McGuinty: The minister can cite all of these wonderful historical examples, but the matter we're talking about here is without precedent, to my knowledge, in the history of this province. Seven people have died. There's an entire community which has been devastated. The people of Ontario have had confidence in their own drinking water shattered. This is an issue now of trust. We must now together attach as much credibility as possible to this commission of inquiry. That means, as a matter of necessity, all three parties must be involved in lending shape to the terms of reference. That's how important this is. You can't compare this to things that have happened in the past. This is without precedent.

I ask you again, will you guarantee us that all three parties will be at the table working together to establish terms of reference?

Hon Mr Flaherty: As I have indicated twice now, and I'll state it for a third time to the Leader of the Opposition: I welcome his suggestions, the suggestions of his party members. In fact, I welcome the suggestions of all members of this Legislative Assembly who have views with respect to what the terms of reference ought to contain.

This is a very serious matter, as the Leader of the Opposition has indicated. I hope that we can repose our trust—I feel as Attorney General I certainly can—in a judge or a retired judge in this province to use the Public Inquiries Act as statutory framework to get to the bottom of this situation, which is what the Premier has indicated repeatedly he would like to accomplish through the use of a public inquiry in Ontario.

Mr McGuinty: Minister, this is all about trust. The people of Ontario are watching today. They want to know that what you are putting in place is something that is worthy of their trust. They can't trust their water. They can't trust the procedures that are in place. What they want to be able to do is to have some real confidence in a process now that's going to leave no stone unturned and will shed light in each and every corner. That's what they want to hear today, and they're not getting that from you, Minister. You're dancing around my question. You're not providing us with a guarantee that all three parties will be involved in a process to establish terms of reference. It's a simple question. I want a direct answer. Yes or no, can all three of us be involved in setting up

terms of reference for a commission that will be worthy of the public trust?

Hon Mr Flaherty: For the fourth time, I will repeat to the Leader of the Opposition that his participation, his input, the input of every member of the Legislative Assembly of Ontario is welcomed with respect to the terms of reference. If he'd like to put them in writing, if he'd like to meet with me as Attorney General, whatever he wants, I'm prepared to accommodate the Leader of the Opposition with respect to his having full input in the terms of reference. I extend that also, of course, to the leader of the third party and the members of the third party. I don't think I can be more clear than that.

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): In view of the fact that the Premier was supposed to be here and is not here, my question is for the Deputy Premier. As the Premier's representative here today, I want to hear directly from the Deputy Premier. When the Estey inquiry was appointed by your government on March 20, 1996, you told this Legislature that as the Deputy Premier and the House leader of the government, you were prepared to meet with other House leaders to determine the terms of reference of that inquiry. Are you prepared to do the same thing with this inquiry, given the fact that seven people have already died, the coroner suspects that another two may have died as a result of polluted water, that this has been a tragedy and it is a tragedy that may stretch beyond Walkerton? Are you prepared to give the same commitment here today that you gave in 1996 with respect to the Estey inquiry?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): First of all, obviously everybody is well aware of the seriousness of this particular tragedy. I think the Attorney General has outlined quite clearly that he's prepared to accept the advice of the leader of the official opposition, the leader of the third party, that you will have very direct input into what the terms of reference will be. I guess you could do that by a House leaders' meeting if you want to, but you have an open invitation from the Attorney General of Ontario saying he'd be happy to receive your input into his broadest possible terms of a public inquiry. That's what the press release says.

Mr Hampton: The Premier's press release is this: On the one hand, I hear the Attorney General talking about broad terms of reference, but then I read the Premier's press release and he says we should determine what went wrong at Walkerton. But as you know, and certainly as other members of your government know, E coli has now been detected in the water supply in Freelon and in Shelburne. There is a young woman who is seriously ill in Sudbury. There are concerns about the water supply in North York.

This means that the inquiry in terms of its scope ought not to look just at the issues in Walkerton but ought to look at the broader issues of the safety and the security of our water supply. Are you prepared, as Deputy Premier, the person who is responsible for this government here

today, to give a commitment that the terms of reference will, yes, include Walkerton, but will be broader than Walkerton to look at other areas where E coli has been found and other areas where there are concerns about the quality and the safety of the water supply?

1440

Hon Mr Eves: To the leader of the third party, if he will permit me to read two sentences from the press release: "Harris has asked Attorney General Jim Flaherty to draft broad terms of reference for the commission. He said the commission should examine what went wrong in Walkerton, in order to prevent a similar tragedy from occurring." You have the Attorney General's open invitation to provide your very direct input and that of your colleagues, in fact of every member of the Legislature, as to what those terms of reference should be. I would think the Attorney General might want to hear from the commissioner when he or she is chosen as to what those terms of reference may be as well. I think all of that is very appropriate and all of that input should be received and will be received by the Attorney General.

Mr Hampton: I think what you've just confirmed, Deputy Premier, is that you can interpret the Premier's press release in two ways: In one sentence he says he wants broad terms of reference; in the next sentence, he says he wants it confined to what went wrong in Walkerton. I am the first to say that Walkerton is a very tragic issue, but you must also know that E coli has been detected in the water supply in Freelon, in the water supply in Shelburne. There is a young woman who is sick in Sudbury today. There is a problem in North York, and for all we know, there may be problems elsewhere in Ontario, given the fact that your government is not doing the same level and the same quality of water testing.

I'm simply asking for a commitment from you. Will you say clearly and unequivocally here today that the terms of reference of this commission will not just be with respect to Walkerton, as tragic as that event is, but will look at the broader issues of the safety, the quality of the water supply of people's drinking water in Ontario, especially in these other communities that have been identified? If we're seriously going to get to the bottom of this issue, I would think that you'd stand on your feet and give that commitment here and now. Will you do that, Deputy Premier?

Hon Mr Eves: First of all, I don't think the leader of the third party would begin to suggest that all the other possible situations that he has referred to are on a parallel with Walkerton, number one—at least I would hope he's not suggesting that. Number two, with respect to the terms of reference of the public inquiry, I think it would behoove him to have his input, to have the input of the leader of the official opposition and other members of the Legislature, to see what the draft terms of reference of the public inquiry are before he starts to criticize it.

The Speaker: New question.

Mr Hampton: Again to the Deputy Premier: We're simply seeking assurances over here that the terms of reference will be broad enough to deal with the identified

water safety, water quality problems in the province. I want to relate to you again the Premier's response yesterday. I asked him about the issue of large factory farms, the issue of many tonnes of manure, the issue of not having adequate environmental plans or other plans to deal with that and the possible water contamination. The Premier said, "Well, these things have nothing to do with water quality."

I'm asking you here and now, will the terms of reference of this commission of inquiry be broad enough to look into the very issues that were identified by the medical officer of health in the Walkerton area, Dr McQuigge, when he wrote both to your government and to municipal officials and said there appears to be a relationship between the large factory farms, the tonnes of manure and the pollution of the water supply? Is the commission of inquiry going to be broad enough to look at that issue, Deputy Premier?

Hon Mr Eves: The terms of reference for the public inquiry have not been established yet. I don't know how I can comment on what they are when they haven't been established and when the Attorney General, I think in a very sincere and open way, has asked you for your input and he's quite prepared to receive that input. If the leader of the third party is not happy with what they end up being at the end of the day, then I would say to him that would be fair comment, but when they haven't even been drafted yet, to start criticizing what they are is a little premature, to say the least. Why don't you have your input first, why doesn't the leader of the official opposition have his input, and the input of other members of the Legislature? Then it would be fair comment at the end of the day, if you're not satisfied with what they are, to talk about it.

Mr Hampton: The problem, Deputy Premier, is this: You are the government that cut \$100 million out of the Ministry of the Environment budget. You are the government that laid off 900 scientists, inspectors and technicians. You are the government that came forward and said that most of the environmental regulation in the province is nothing but red tape. You are the government that tried to come in here two days ago and restrict the inquiry into nothing more than some of your backbenchers rubber-stamping what you've done already. That's the problem.

You had no problem in 1996 coming into this Legislature and saying, "We are prepared to meet and we are prepared to work out the broad terms of reference." I'm asking you specific questions: Are you prepared to include these important issues within the terms of reference? I think you, as Deputy Premier, if you're truly concerned about this issue and want to get very much to the bottom of it and the breadth of it, would be saying, "Yes, we're prepared to do that."

Deputy Premier, just another item, another important issue: Your government has a number of water tests that you've refused to make public, a number of tests of municipal facilities and other facilities. Are you prepared to include that all of this information must be made

public and must be the subject of this commission of inquiry?

Hon Mr Eves: Of course we want to get to the bottom of the matter. The Premier said that consistently from the very beginning of this. Today the Attorney General of the province has announced the public inquiry. We are welcoming your input and that of other members of the Legislature into what the terms of reference will be. I'm quite prepared, and I think every member of this Legislature should be quite prepared, to leave this to a judge or a retired judge as the commissioner under the Public Inquiries Act, and he or she will definitely get to the bottom, to the heart of the issue. If you have any qualms about a particular individual who you don't think is competent to serve as a commissioner, I guess you should let those be known to the Attorney General of Ontario, but I think he has been most sincere and frank and open about asking for your input here today.

DRINKING WATER SURVEILLANCE PROGRAM

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Ministry of the Environment. You will be familiar with the program that operates through your ministry called the drinking water surveillance program. Before I get into that program and what it has done recently, I want to remind our viewers that you and the Premier have been telling us for a week now that no procedures have been changed since 1996 when it comes to testing water and making sure it's safe for all Ontarians. But we now learn that in 1996 your water surveillance program, which is a monitoring program developed to provide reliable and current information on municipal drinking water, stopped testing for E coli. It was a form of E coli that killed seven people in Walkerton.

You told us that nothing had changed. Tell us now, Minister, why it is that you told us that nothing had changed when in fact something did change. Why have we stopped testing for E coli, a killer bug here in Ontario under the terms of your government?

Hon Dan Newman (Minister of the Environment):

On the issue of the drinking water surveillance program and the testing of E coli, it's important to note that not all municipalities and all water treatment facilities were involved in that program. Testing for E coli and all other water testing has been done with the municipalities, with the public utilities commissions in this province. So the testing continues for E coli. There are procedures in place. Information must be shared between all parties involved: the labs, the Ministry of the Environment, the local medical officer of health as well as the municipality.

Mr McGuinty: There is a program here in Ontario that operates under the auspices of your ministry. It's the water surveillance program. The purpose of that program is to monitor contaminants and to measure trends when it comes to water in Ontario. That's your ministry; that's

your job. Tell us again in a way that all Ontario can understand this, why is it that this water surveillance program no longer tests for E coli, a disease that just killed seven people in Walkerton.

Hon Mr Newman: The program tests over 200 parameters of concern in this province with water testing, and the testing of E coli continues. We have the toughest testing system of its kind in North America. The water quality in Ontario: 98.98% of all the water tested meets the objectives of the Ontario Drinking Water Objectives that were put in place in 1994.

1450

ONTARIO REALTY CORP

Mr Doug Galt (Northumberland): My question is directed to the Chair of Management Board, and I would like to change the questioning to the kinds of questions we were hearing a couple of weeks ago.

I noticed in today's Star that the sales process for our property at McCowan Road and Highway 407 has been called into question. I'd been listening to the Liberal Party's questions on this issue some time ago, but they're always so muddled with misinformation and of course slanted Liberal facts.

The residents in my riding of Northumberland are very concerned that we get the best value for money in these sales. You know they are the shareholders of this government and the province of Ontario, and they're not happy with anything that's undervalued in the sale. Minister, what can you tell the House about the property mentioned today, and how are you ensuring that taxpayers get the best value for these sales?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I'm happy to have a chance to answer on this important matter. As I've told this House before, all past transactions are being reviewed by independent auditors, and the transactions mentioned in today's paper are no exception; they are following the same process. Some time ago I asked the Ontario Realty Corp to implement a sales process that is open—

Interjections.

The Speaker (Hon Gary Carr): Member, take your seat. We can't continue. I'm going to be watching closely. People are going to be warned from now on.

Hon Mr Hodgson: As I was saying, some time ago I asked the Ontario Realty Corp to implement a sales process that is open, accountable and transparent. That is why this audit process was initiated, to ensure that all past sales were conducted in the best interests of the taxpayers. Independent auditors have been retained and are conducting this review in a thorough and comprehensive manner. Any evidence of concern found by the auditors to date has been forwarded directly to the OPP for further review and investigation.

As you are aware and members of this House are aware, serious questions are being asked about the way sales were conducted in the past, and that's why this audit process—

The Speaker: I'm afraid the minister's time is up.

Mr Galt: You mentioned that the independent auditors and the police are reviewing these past sales, yet I was watching the Michael Coren show a few weeks ago and I was shocked, absolutely shocked, to hear the member for Eglinton-Lawrence admit—admit—that the Liberal Party was not forwarding any material they find to the auditors or to the OPP. Of course, this is consistent with the flip-flop positions of the Liberals.

This member was quoted when asked for assurances that his party would forward any material to the authorities, and this is what he said: "We make them"—referring to the information—"public in the House. The public are the real investigators. The OPP investigations are done behind the scenes." What an insult to the OPP.

Interjection.

The Speaker: Order. The member for Windsor West, this is the last warning. You can't continue shouting across there; last warning.

Mr Galt: I'm sure what he was referring to, about the public being the real investigators—he was talking about the court of public opinion, and that of course is just a political interest and not really of concern for the taxpayers of this province. With this revelation, do you know if all the relevant material is indeed being forwarded to the proper authorities?

Hon Mr Hodgson: I too have heard these comments from the Liberal member, and I too was very concerned.

Interjections.

Hon Mr Hodgson: If I can continue and not be interrupted—

Interjections.

The Speaker: The member take his seat.

Interjections.

Hon Mr Hodgson: If I could get a word in edgewise, if the member for Windsor West would allow me to speak here for one second to answer to this important question, I can tell the House that I have been asking Liberal members across the floor to forward any information they find either to myself or to the proper authorities. To date, I have not received any evidence from the Liberals. I would expect that they would have forwarded any evidence they have to the proper authorities. I can guarantee the member from Northumberland that this side of the House is certainly following the proper process.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): I'd like to get back to Watergate, and I would like to ask a question of the Minister of the Environment. For public relations purposes, Minister, and so you can appear as though you're doing something after the horse is out of the barn and after the tragedy of Walkerton, you'll be sending out staff from the Ministry of the Environment to scrutinize, I suppose, water plants across the province of Ontario. But you will know from your issue reports in the Ministry of the Environment that your government disbanded those teams which were specifically expert and dedicated to the

inspection of water treatment plants. It appears that you're going to have to bring anybody and everybody out of ministry offices to be able to conduct this work, because you've had over 700 staff fired out the door in the Ministry of the Environment and over 40% of your budget cut.

Minister, could you tell us where on earth you're going to get the staff to be able to do this, the staff with the specific expertise and capability of inspecting all these plants? Could you tell us what you're going to do with those people's regular jobs? Are you going to abandon their other jobs so they can go out and inspect plants? Never mind Chris Stockwell's answer; I'm interested in your answer.

Hon Dan Newman (Minister of the Environment): I'm glad you're interested in my answer, because that's what the people of Ontario want to hear.

My ministry staff take this issue very seriously. That's why, in the new regulation that I've talked about and announced on Monday, my commitment to ensure that each and every certificate of approval for water facilities in this province is indeed reviewed.

We're going to go beyond that. We're going to ensure that each and every certificate of approval is reviewed at least once every three years. This is a real step forward. The regulation also will require private labs and municipalities to exchange that information with the Ministry of the Environment and the local medical officer of health.

Mr Bradley: They're not going to have the staff to do it because you've disbanded those expert teams. They were great teams. They were teams of four that went out, dedicated staff specifically for inspecting water treatment plants in Ontario. You got rid of them. You were so busy wanting to cut the Ministry of the Environment so you had money to give away to the richest people in this province that you've lost those people. Forty-two per cent of the staff dedicated to drinking water are out the door at this time.

Minister, why don't you ask the Premier of this province to give up his \$1.7 million that he just got for an increase for his personal staff? Why don't you ask the Premier to give up his \$6 million in new political advertising in this province? Why don't you ask the Treasurer of this province to forgo that public relations trick of sending a \$200 cheque to everybody in the province, and why don't you ask the Treasurer and the Premier to invest that money in safe drinking water in Ontario?

Hon Mr Newman: The member opposite is wrong. I can tell him that there are no changes in the number of environmental inspectors in this province.

I want to also let the member know that this government and this party have made a commitment, through our Blueprint document, to the environment. I can tell you that there are many measures with respect to environmental legislation, with respect to increasing the maximum fines for not only first-time polluters but second-time polluters. Repeat polluters are going to see fines doubled in this province; that was a campaign commitment. There was also a campaign commitment to

set up a 1-800 hotline with respect to pollution. But importantly, there was also a commitment to create an environmental SWAT team.

I want to tell you that I'm going to ensure, as the Minister of the Environment, that this party and this government keep all of our commitments from the Blueprint document with respect to the environment.

1500

EDUCATION LEGISLATION

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Education. I've heard from many parents and students in my riding of Scarborough Centre that they're very concerned for their safety at school. In fact, recent media reports from Ontario and around North America have highlighted certain incidents of violence at school. I know this is very disturbing not only for constituents in Scarborough Centre but for many constituents in Ontario. Minister, I wonder if you could tell this House how the new Safe Schools Act will respond to the concerns of my constituents.

Hon Janet Ecker (Minister of Education): One of the things I think all members in this House have heard from constituents is that concern about violence in schools is growing. The incidence of things like bullying and harassment of some students by other students, for example, has been growing and parents, students and teachers are quite concerned about it. We told the people of Ontario before last year's election that we would implement a code of conduct if we were returned as the government. We have moved forward with that commitment. I released the code of conduct a month ago.

Today I introduced the legislation which gives it legal authority. It clearly sets out rules, standards of behaviour, consequences for breaking those standards—suspension and expulsion. There are mandatory penalties for bringing drugs to school, for example, or weapons. We will also ensure that school boards have the appropriate programs in place, like strict discipline programming, for example, to help students who have been expelled or suspended to get the help they need to keep our classrooms safer.

Ms Mushinski: I thank the minister for her answer. I'm particularly proud that our government is taking steps to ensure a safer school environment for our students and teachers. We know they have a right to feel safe and be safe in their school community. Along with standards for physical safety, my constituents feel it is very important that students are also encouraged to be civil and to have respect for their school environment. I'm wondering if you can tell this House if the Safe Schools Act addresses these aspects of the schools as well.

Hon Mrs Ecker: There are several other initiatives that are included in our Safe Schools Act. First of all, parents will have the authority to decide if they want to have a dress code or a uniform. It's something parents are very supportive of. There will be the mandatory singing

of O Canada. Parents can have a pledge of citizenship or the bill of rights, for example, as part of the opening ceremonies, if they wish. We're also requiring students in high school to do a minimum of 40 hours of community work as another way to promote respect and good citizenship and responsibility in our schools. It not only benefits the community; it will certainly benefit those students.

The other thing I'm very encouraged to say is that many members here may have seen the recent media reports about a public opinion research company that showed 91% of Ontario residents do indeed support a code of conduct for their schools, because they know our teachers cannot teach and we know our students cannot learn as well as we want them to if we have these issues in the school.

MINISTRY OF THE ENVIRONMENT

Ms Marilyn Churley (Broadview-Greenwood): To the Minister of the Environment: I have a three-page chart showing some of the hundreds of staff cuts at the Ministry of the Environment between 1995 and 1998. These numbers are based entirely on information provided by your ministry. Here are just four examples: lab services, 83 staff let go; science and technology branch, 95 gone; environmental monitoring and reporting, 37 gone; investigations and enforcement branch, 27 gone. You may recall that your Premier told this House that zero compliance staff were laid off.

Do you think it's any wonder that we don't trust your government to set broad terms of reference that can get to the bottom of what has happened here when you and your own Premier stand up in this House and—how can I put it delicately?—misinform this House about the number of staff who have been cut from your—

The Speaker (Hon Gary Carr): The member can't use that word. I'd ask her to withdraw that word.

Ms Churley: I withdraw that. Minister, I'll give you a chance now to retract what you said earlier. Stand up and come clean with the people of this province and tell them that those staff have been cut, you do not have the same procedures in place and there aren't as many staff there doing the job.

Hon Dan Newman (Minister of the Environment): If you look at the numbers from the years the member is talking about, she may want to also enlighten all members of the House to the fact that back in 1995-96 the Ministry of the Environment was part of the Ministry of Environment and Energy. There were some 140 staff members who were part of the Ministry of Environment and Energy who are now in the Ministry of Energy, Science and Technology. There are 140 staff right there who have been transferred from the Ministry of Environment and Energy to the Ministry of Energy, Science and Technology.

She may also want to let everyone know that there have been staff members who are now part of Manage-

ment Board Secretariat in the shared services bureau doing an administrative function.

I agree there are fewer staff members in total in the Ministry of the Environment, but I can tell you that there has been no change in the number of environmental inspectors in this province.

Ms Churley: That is not correct. It's here in black and white. We know that you fired up to 900 staff and cut your budget by \$100 million. Why don't you just admit it?

Yesterday we had the Taking Stock report from the Commission for Environmental Cooperation giving Ontario an international reputation as a jurisdiction that does not care about the environment. Were you shocked to learn that for 1997 Ontario was the third worst, after Texas, polluter in North America? No. You did what you're doing now. In that case, you were blaming the methodology instead of the facts there. I have a document from your own ministry that says, "There is no obvious error in the analysis and ranking of state and province total release pollutants to all media and transfers to waste."

When are you going to stop the spin? People have died in Walkerton, and you and your Premier are still standing up and giving a spin. We need you to admit today that your cuts in staff and resources are hurting environmental protection in this province and you're going to put the money and the staff back. Will you tell us you're going to do that today?

Hon Mr Newman: I have a document which is the historical approved budget for the Ministry of the Environment. There's a little asterisk beside the years 1995-96 and 1996-97. It says that the 1995-96 to 1997-98 values include the Ontario Energy Corp business that was transferred to the Ministry of Energy, Science and Technology, about \$14 million.

The member opposite also doesn't recognize the fact that when her party was the government they actually cut \$200 million in water and sewer grants to municipalities in this province.

She also raised the issue of the Taking Stock report. Yes, indeed the methodology is flawed, because no matter who is the government in this province, Ontario will always be near the top based on the methodology that's used.

EDUCATION LEGISLATION

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I want to ask you about the blame and distract act, Bill 74, that you're now trying to hide from the public by shotgunning it out of debate today and putting it into almost no hearings. In your own riding of Durham, in that board, you've allowed \$60 million to be cut once inflation and enrolment is taken into account.

At St Mary school in Pickering, the hallways are dirty. There are only two custodians for 2,000 students. In the phys ed and health education class, 55 kids share 12 text-

books. They had to get eight desks from the elementary school to accommodate their class this year.

Minister, will you tell the truth on this bill? Tell the students in Durham, and indeed around the province, that it's about taking money out of education, it's about reducing your commitment. Will you say to Bob Richmond, who is the teacher of this class—and he tells you that you're wrong, that you can't legislate spirit and passion and commitment for kids. Minister, will you admit that you're wrong with your bill, that you're hiding and distracting from the money you're cutting from education, and will you tell us today that you'll withdraw it?

1510

Hon Janet Ecker (Minister of Education): I really wish the honourable member would check his facts. First of all, Bill 74 has nothing to do with the budget of school boards. As a matter of fact, because Bill 74 decreases class size, there will be more teachers and there is going to be more money for school boards: \$253 million more to enforce and put in place smaller class sizes. Why? Because teachers and parents told us that smaller classes are important to quality education.

Second, I don't know how he turns a \$9-million increase in the Durham public board funding into some sort of cut. Only a Liberal could do that kind of Liberal math.

The other thing is, contrary to what the honourable member states, the funding formula is built on enrolment so that it reflects enrolment in boards. It was designed to do that because that's what we were told needed to be done.

Mr Kennedy: The minister unfortunately did not meet my simple request to tell the truth; \$60 million was lost because of enrolment and inflation since 1995 in her own area. So what do you say, Minister, to Bob Richmond? You're saying you're going to give more workload to teachers who are already working heavily. You're going to take their attention away from kids.

Minister, Bob Richmond is a former member of the Edmonton Eskimos who does extracurricular at St Mary school in Pickering. He starts his day at 6:30 in the morning to teach the weight-lifting class. He then teaches two classes from 8:15 to 11:45. He has 35 minutes for lunch; only gets it twice a week because he also has lunch and supervision duty. From 12:20 to 2:20 he teaches one or two more classes, and then he teaches the football team and leaves at 6:30.

Minister, you're misleading the public when you say this is about—

Interjection.

The Speaker (Hon Gary Carr): Thank you very much. I got it. I appreciate it, Minister of Labour. I heard it too. I don't need the yelling from the government benches. You have to withdraw that.

Mr Kennedy: It was unintentional. Minister, will you please agree to this simple request: Will you either withdraw the bill that will take learning time away from kids or will you come with me and spend the day at St Mary school in Pickering, in Durham, in your riding where this—

The Speaker: Order. The member's time is up. Minister of Education.

Hon Mrs Ecker: I would like to hazard a guess that I have been in more schools in Pickering—

Interjections.

The Speaker: Stop the clock. Members will come to order. Sorry for the interruption. Minister of Education.

Hon Mrs Ecker: I would hazard a guess that I've probably been in more schools in Pickering than the honourable member has. Second, he may think it is OK for a region like Durham, or any other region, to have extra-curricular, co-instructional activities withdrawn from students for two years. He may think that is OK, but this government and parents do not think it is OK.

He says we should withdraw Bill 74. Does this mean that the Liberals believe that if a school board is taking special education money and spending it on something else, if a school board is taking textbook money and spending it on something else, we shouldn't do anything? Bill 74 allows us the authority to take steps on that.

The honourable member may not think remediation should be considered part of instructional time for teachers—

The Speaker: I'm afraid the minister's time is up.

WOMEN'S SHELTERS

Mr John O'Toole (Durham): My question is to the Minister of Community and Social Services. In the past I know you've taken time to meet with members of Bethesda House, a women's shelter in my riding of Durham. The hostel provides accommodation for up to 15 women and children in a safe, secure location in Bowmanville. Bethesda House offers a 24-hour crisis telephone line, counselling, support for children, community education and a volunteer training program. Bethesda House faces many financial challenges.

I have here with me a list of hundreds of individuals from communities and corporate donors that have helped support this hostel over the years. Clearly Bethesda House has acquired funding in a number of creative ways. I know that Karen Mason, the executive director of Bethesda House and the volunteer board have written in the hope that you and your ministry will be able to assist this hostel. Minister, what can you tell the members of Bethesda House today?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I want to say at the outset that this government will not tolerate violence against women and their children. Helping to support abused women and their children is a top concern of the Ministry of Community and Social Services. Because of the hard work of my colleague the member for Durham, who I know cares passionately about this issue—he's had the representatives from Bethesda House in to see me in my office and I've had the opportunity to recognize the good service that the folks at Bethesda House provide women and children in need in his community.

Our ministry is providing one-time funding of \$26,000 to help ease the immediate cash flow needs of Bethesda House. By providing this one-time funding the agency has the ability to ensure that the essential health and safety issues, as well as the payroll concerns, can be addressed. I'm also pleased to learn, through the member for Durham, that the region has agreed to provide stable block funding to Bethesda House to help the hostel better manage its day-to-day operations.

I look forward to continuing to work with the hard-working member for Durham on this important priority for his community.

Mr O'Toole: Minister, I want to personally thank you for the time you've given this initiative. Also the whole community really has come together, and as you've said, Durham and yourselves have come together to provide a more predictable funding model for them and I thank you for that. I thank the Durham council.

I am sure that my constituents appreciate that there's more to be done. Furthermore, I'm certain they will appreciate that the minister will be willing to help address the financial needs of this hostel. We all recognize that Bethesda House plays an important role in Durham. The good news is that the Durham Bethesda House is not alone in its efforts to protect women and children. The region is also well served by another women's shelter. Together, they both provide a critical service to help ensure the safety of women and children in Durham.

Minister, would you please explain what we are continuing to do to help and support women and children in shelters?

Hon Mr Baird: I want to again stress that this government is committed to addressing and responding to the challenges of domestic violence against women and children in our province.

Funding for women's shelters is now more stable. We've replaced per diem funding with stable block funding so that shelters can know their revenue at the beginning of the year and be able to be more responsive to the needs of these vulnerable victims.

I would like to point out two initiatives contained in the budget as further evidence of our commitment to combating domestic violence. We'll be expanding the domestic violence courts through the Ministry of the Attorney General. We also announced \$10 million to establish two new programs to support women and children who have experienced domestic violence. These two programs are now under development and we will be providing further details in the near future.

These new funds, in addition to the \$110 million this government already spends each year to address and prevent violence against women services, demonstrates the important priority we accord this. Just in Durham region, with respect to hostels, the region's now on board and the province, of course, provides 80% to support emergency hostels, which is another evidence of our strong commitment to this important area.

1520

LOW WATER LEVELS

Mr Bruce Crozier (Essex): My question is for the Minister of Natural Resources. For over two months now, through questions, statements and correspondence, I've advised you of the economic crisis that's been created by low water levels in Essex country to private property owners, being individuals and marina operators. You know too, I think, that these low water levels are throughout the Great Lakes basin.

Early this month the federal government, along with the Ontario Marina Operators Association, each offered \$15 million to go towards dredging of private marinas and those areas that are affected by low water levels.

I wrote you a letter on May 8, encouraging you to partner with the Ontario Marina Operators Association and the federal government, and for the provincial government's to put its \$15 million on the table to help these economically strapped businesses and property owners. I said in that letter, "I simply ask that the province join the partnership effort to help those in need of assistance."

I haven't heard from you yet, Minister. Will you tell me today that you will partner with the federal government and private marina operators and put a third of that \$45 million on the table?

Hon John Snobelen (Minister of Natural Resources): I thank the member opposite for the question and the opportunity to address this again. As I've told the member opposite and in fact every member of this chamber in the past, we take low water levels very seriously in this government. That's why we announced Ontario Water Response 2000, so that we could address these issues where they're important throughout the province.

We also instructed our ministry, and I know the member opposite is aware of this, to expedite applications for dredging, particularly in those areas that are experiencing very low lake water levels. As the member opposite will know, we've had some relief over the course of the last few weeks in terms of water levels in some of our lakes and some of the Great Lakes. However, we do have low water levels in some areas of the province.

I am pleased to inform the member opposite that I had a very brief conversation with Minister Dhaliwal a few weeks ago, who is the federal Minister of Fisheries and Oceans. He, I expect, has admitted that there is a federal responsibility for navigation in waterways in Ontario. I was pleased he has finally recognized that. I asked him to send me, please, his intentions, his plan, for dredging.

Mr Crozier: I assume by your answer that you asked him to send you something and he hasn't sent it. But you know, Minister, on that phone you have, whether it's a cellphone in your car or one on your desk or one you carry in your pocket, there's a dial on it. If you hadn't heard from him and if you were really concerned about these property owners, you would have called him again, or you might have brought it up in the House and said, "I

haven't heard from him." But you haven't answered my letter. You haven't gotten back to him to say, "Where is your answer?" You haven't done anything. So will you call him today and say, "Minister Dhaliwal, I'll put the \$15 million on the table if you'll send me that information tomorrow?"

Hon Mr Snobelen: Unfortunately the time constraints didn't allow for a fulsome answer to the first question. Perhaps in the supplemental we'll get to the matter.

The minister was kind enough to give me a phone call and ask what Ontario thought about this proposal. He wasn't able to share details of it with me then, or in fact now. I suspect that perhaps the plan is not very full.

I can tell the member opposite that within an hour or so of calling me and our asking for his plan and for some input, he made the announcement that there'd be a federal plan—this, without any planning, this without any consultation, and in my view in an irresponsible fashion.

I can tell the member opposite that we continue to take low water levels very seriously in the province of Ontario, that we have got a plan to address those issues and the environmental issues that come from dredging, which is a concern for people right across this province. We are taking it very seriously.

ST CLAIR PARKWAY COMMISSION

Mr Marcel Beaubien (Lambton-Kent-Middlesex): My question is for the Minister of Tourism. First of all, I would like to thank the minister for spending some time in my riding of Lambton-Kent-Middlesex with the good people of that riding last week. As you are aware, Minister, the St Clair Parkway Commission, which is an agency of your ministry, provides outdoor leisure and—

Interjections.

The Speaker (Hon Gary Carr): Stop the clock, please. It has gone to a new member, and I say to the government member that his own member is trying to ask a question. I would appreciate the indulgence.

Sorry, to the member, for the interruption.

Mr Beaubien: I didn't think my question was going to be that controversial.

As you're aware, Minister, the St Clair Parkway Commission, which is an agency of your ministry, provides outdoor leisure and recreational opportunities for visitors to the Bluewater region. As I have expressed to you in the past, there have been some challenges in operating the commission as an important gateway to the region of the Bluewater land. Minister, what are you doing to ensure that the St Clair Parkway Commission continues to draw tourists to the Bluewater land region?

Hon Cameron Jackson (Minister of Tourism): I'd like to thank the member for Lambton-Kent-Middlesex for the question.

I'd also like to acknowledge the presence in the House today of a former member for Middlesex, Bob Eaton.

As many members of the House are aware, there is a large delegation from Sarnia-Lambton here to talk to the government and to all members of the House. I'm

pleased to report, as my colleague has asked the question, that recently we've acknowledged that tourism in Sarnia-Lambton is their third-largest industry and growing at a faster rate than any of the other economic activities. That's why our government has invested recently in an additional \$50,000 to expand and enhance and develop the historical site known as Uncle Tom's Cabin—it is a rich part of Ontario's proud history—and a further \$35,000 for developing a campground and RV park facilities at the St Clair Parkway Commission properties.

Interjection: It's never enough.

Mr Beaubien: I hear on the other side that it's not enough, and you're right, it's never enough, but we'll do our best to get our fair share.

Minister, as you're aware this afternoon, some members from the Sarnia Lambton Chamber of Commerce will be meeting with you to discuss some of the issues in the area. I hope you will maintain an open mind with regard to suggestions that the Sarnia Lambton Chamber of Commerce might submit or place in front of you. Could you give me your comments on this particular issue?

Hon Mr Jackson: I'd like to say that thanks to the encouragement from the local member, my colleague, I have had occasion to meet with several delegations from the Sarnia-Lambton area. I hasten to add that the historical impasse that has been created with the parkway commission property and adjacent Chatham-Kent—we're very close to having that matter resolved, I'm pleased to report to the House, and will be reporting to that very soon.

Also, our ministry is working with the Ministry of Transportation, the Bluewater Bridge Authority and the Sarnia/Lambton Visitor and Convention Bureau on a gateway proposal for expansion of the new bridge site at Point Edward. My ministry and our staff are working co-operatively with all the partners. I'd just like to state publicly, though, for the record, that I encourage all these organizations, whether it's the chamber of commerce, the visitor and convention bureau or the economic development offices, both at the region and at the city, that they work together to promote tourism. This is one of the fastest-growing tourism regions in Ontario today, and I know that citizens of Sarnia-Lambton are looking forward to the new jobs and the wealth that will be created as a result of that.

The Speaker: The time for oral questions is over. The Minister of the Environment on a point of order.

CORRECTION OF RECORD

Hon Dan Newman (Minister of the Environment): Earlier today, in answer to a question, I referred to the number of inspectors. I should have said that there was no change in the number of investigators. I just wanted to correct my record.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): I would like to ask all members to join me in welcoming the fifth group of legislative pages to serve in the first session of the 37th Parliament. With us today we have Leta Attard, from Dufferin-Peel-Wellington-Grey; Nicholas Bewick, from Perth-Middlesex; Michael Cabral, from Northumberland; Gina Cowing, from Oxford; Stephanie Craig, from Waterloo-Wellington; Maria Dombrowsky, from Hastings-Frontenac-Lennox and Addington; David Fascinato, from Guelph-Wellington; Bryan Holt, from Etobicoke-Lakeshore; Riley Jakob, from Essex; Christopher Kent, from Nickel Belt; Danielle Koehn, from Markham; Avery Low, from Etobicoke Centre; Sebastian MacIntosh, from Barrie-Simcoe-Bradford; April Martin, from Algoma-Manitoulin; Melissa Martin, from Bramalea-Gore-Malton-Springdale; Mark McKie, from Beaches-East York; Alex Paton, from Haldimand-Norfolk-Brant; Bryce Schubert, from Davenport; Alexandra Stephenson, from Peterborough; and Marc Thorup, from London West.

Would all the members please join me in welcoming our new set of pages.

PETITIONS

EDUCATION LEGISLATION

Mr Richard Patten (Ottawa Centre): This is a petition to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I affix my name to this petition as well.

1530

PRIVATE UNIVERSITIES

Ms Marilyn Mushinski (Scarborough Centre): I have great privilege in submitting a petition on behalf of

750 students at DeVry Institute in Scarborough and Mississauga that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario has announced its intention to allow private universities to offer degrees in the province;

"We, the undersigned, petition the Legislative Assembly of Ontario to implement this policy over the next few months in order to increase the opportunities for students to obtain a degree in this province."

I'm pleased to affix my signature to this petition.

EDUCATION LEGISLATION

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for all students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute power for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"Whereas we, the teachers of Ontario, believe only one and a half days of public hearings is both a sham and a shame;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold full public hearings on Bill 74 immediately."

I affix my signature to it because I'm in complete support of this petition.

The Deputy Speaker (Mr Bert Johnson): Further petitions? The Chair recognizes the member for Durham.

LORD'S PRAYER

Mr John O'Toole (Durham): Mr Speaker, it's good to see you in the chair again.

"To the Legislative Assembly of Ontario:

"Whereas the Lord's Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century;

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers across Ontario."

I'm pleased to sign and support this petition.

EDUCATION LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): "To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student; and

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I agree wholeheartedly with this petition, which is signed by a number of teachers, students and parents from west Elgin, and I have affixed my signature hereto.

KARLA HOMOLKA

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to present a petition to the Legislature of Ontario. It reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I support the petition and I affix my signature to it.

HEALTH CARE FUNDING

Mr Ernie Parsons (Prince Edward-Hastings): I have a petition signed by in excess of 200 people.

"To the Legislative Assembly of Ontario:

"Whereas Canada's health care system is one of our greatest achievements as a country;

"Whereas health care in Ontario has deteriorated, with medical services being reduced and hospital budgets cut to the bone, resulting in lengthy delays in treatment, with sometimes fatal results;

"Whereas major changes to health care legislation by the Harris government have been made with no prior public consultation;

"Whereas residents of Prince Edward-Hastings are demanding that their voices be heard and their concerns addressed to ensure that future health care legislation meets their needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to call on the Harris government to protect our valued health care system and to hold public hearings on Bills 23 and 173."

Being in agreement, I'm pleased to add my signature to this.

KARLA HOMOLKA

Mr Bob Wood (London West): I have a petition which reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

EDUCATION LEGISLATION

Mr Dave Levac (Brant): This is to the Legislative Assembly of Ontario, with over 600 names on it:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I assign my name to this with all my heart.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I have again further petitions from CAW local 222, organized by Cecil Mackasey and Rick Roberts. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances (carcinogens);

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to these carcinogens;

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances;

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

As I am in agreement with this, I add my name to it.

1540

KARLA HOMOLKA

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to present a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to passes to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I support the petition and I affix my signature thereto.

EDUCATION LEGISLATION

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I am pleased to present a petition handed to me last night at a parent-teacher meeting at Vankleek Hill C.I.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I have added my signature.

LORD'S PRAYER

Mr Bob Wood (London West): I have a petition signed by 14 people.

"Whereas the prayer Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

The Deputy Speaker (Mr Bert Johnson): The time for petitions is ended.

LEGISLATIVE PAGES

The Deputy Speaker (Mr Bert Johnson): I wasn't here when the pages were introduced and I wanted to be sure that Nicholas Bewick was introduced. Was he introduced? Can I be assured of that? Nicholas Bewick.

The reason I wanted to be sure he was mentioned with the rest of the pages was that he comes from the riding of Perth-Middlesex. I know that I'm not supposed to mention, either because of Nicholas or our rules, that his mother is in the west gallery. We welcome Terry Bewick from beautiful downtown Listowel.

Hon Margaret Marland (Minister without Portfolio [Children]): May I make a point of order, Mr Speaker?

The Deputy Speaker: I can't, because you're Mr Sterling right now.

Hon Mrs Marland: I'll be in my seat in one second.

The Deputy Speaker: The Chair recognizes the late minister.

Hon Mrs Marland: On a point of order, Mr Speaker: Just because you did that, I think it's important to recognize that a member of the official opposition, Leona Dombrowsky, also has her daughter in this session as a

page. I'm not sure whether she was introduced either, so I'm just confirming that she was, the way that you were for your constituents.

The Deputy Speaker: Our congratulations.

1550

ORDERS OF THE DAY

TIME ALLOCATION

Hon Frank Klees (Minister without Portfolio): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience, when Bill 74 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered to the standing committee on justice and social policy; and

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the standing committee on justice and social policy shall be authorized to meet the morning of Wednesday, June 7, 2000, in Barrie, for public hearings and on Friday, June 9, 2000, in Ottawa for public hearings and on Monday, June 12, 2000, in Toronto at its regularly scheduled time for clause-by-clause consideration of the bill, and that the committee be authorized to meet beyond its normal hour of adjournment on that day until completion of clause-by-clause consideration; and

That, at 4:30 pm on the final day designated by the committee for clause-by-clause consideration of the bill, and not later than June 12, 2000, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not later than June 13, 2000. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House; and

That upon receiving the report of the standing committee on justice and social policy, the Speaker shall put

the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That, when the order for third reading is called, two hours and thirty minutes shall be allotted to the third reading stage of the bill. At the end of such time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That, the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

1550

The Deputy Speaker (Mr Bert Johnson): Mr Klees has moved government notice of motion number 51.

Hon Mr Klees: Mr Speaker, I ask for unanimous consent to turn the floor over to the member for Barrie-Simcoe-Bradford.

The Deputy Speaker: Agreed? It is agreed.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'll be splitting my time with two other members, the member for Durham and the member for Northumberland.

I'm certainly pleased to discuss Bill 74, the Education Accountability Act at this stage of the proceedings. This particular piece of legislation is very clear in terms of the standards that the Minister of Education is establishing. A number of those standards are set out already in the legislation, but the areas that I want to specifically focus on today are dealing with co-instructional activities, instructional time and class size.

In the Education Act, there is currently no definition of the term "co-instructional activities." At this time, though, we have put together a definition of co-instructional activities, which are "activities other than providing instruction that (a) support the operation of schools or (b) enrich pupils' school-related experience, whether within or beyond the instructional program, and includes but is not limited to participation in school-related sports and cultural activities, parent-teacher and pupil-teacher interviews, staff meetings and school functions."

Certainly, the powers of the minister are set out in the Education Act, and they deal with a number of areas where the minister has those powers, for example, diplomas and certificates, courses of study, courses in areas of studies, reviews of effectiveness, tests, policy guidelines, assessments of academic achievement guidelines, roles and responsibilities of board members and officials, policy and guidelines, policies regarding pupil representatives. Those are just a couple of areas.

The way the Education Act is set up, it sets out the powers and functions of the Minister of Education. It also sets out the powers and roles of the school board and the powers, roles and functions a principal will have.

What we're setting out here clearly under co-instructional activities are the obligations teachers have with respect to this area, because unfortunately with respect to

co-instructional activities it has been made into a labour relations matter, and that's something that should not be brought into education. I firmly believe that the withdrawal of the services that are performed by teachers on a normal daily basis should not be used as a negotiating tool; they should not be used as a tool in any manner to remove and downgrade the quality of a student's education. This is a matter of debate in terms of how this should be done, but the legal mandate that's set out with respect to a trade union is obviously to promote the economic well-being of their members. If that is their mandate and that's the law under the Labour Relations Act, then to promote that well-being at the expense of co-instructional activities, to the benefit of the students, is something that shouldn't be done by trade unions.

Mr Dave Levac (Brant): Knocking down unions.

Mr Tascona: The member across the way from Brant talks about knocking down trade unions. I know he's a big proponent and supporter of trade unions, but quite frankly I'm not. I'm not a big proponent of trade unions at the expense of quality education—

Interjections.

The Deputy Speaker: Order. I did want to tell you that we can't have shouting back and across. Some of you may expect that a presiding officer would warn you and so on. If you expect a warning, then you should interpret this as a warning.

The Chair recognizes the member for Barry-Simcoe-Bradford.

Mr Tascona: I'd like to debate this bill, and I don't like my time being wasted by the member across the way. I think the people of Ontario would like to hear what I have to say. I know the members and my constituents would like to hear what I have to say instead of being yelled down by the member from Brant.

But I will say this: In terms of standards we've been very clear in what we expect with respect to instructional time. The intent of the minister has been clearly set out. We still expect the same amount of instructional time from secondary school teachers as we have set out before. But what was asked for by school boards and by trade unions was clarity as to what that would be. What we have done is, we have changed the measuring of instructional time that is expected from school boards in terms of how they allocate their teaching time across the school board and also the principals' role with respect to how they assign the duties across their schools.

On aggregate, what has been set out in the legislation is 6.67 courses out of eight, which is clearly defined. It's very transparent in terms of what is expected. I think we are moving towards the Canadian average. We are still below the Canadian average with respect to instructional time for—

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: Is there a quorum?

The Deputy Speaker: Is there a quorum present?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Barry-Simcoe-Bradford.

Mr Tascona: Instructional activity is something that we have been striving to increase. I don't think anyone would object to my saying that the more time a teacher can be in the classroom teaching the students is time well spent. In the elementary panel we have not had that issue; they have been at the Canadian standard, and that has not been something we have had to address. But at the secondary level we've had to address that issue. There are no surprises in terms of what the minister's intent was and that this would be clarified if in fact there were areas that needed to be addressed to assist the boards and the trade unions in dealing with this issue, and that is a standard of what is expected in terms of instructional time.

We have also set standards for class sizes. We have put money into the system to reduce class sizes at the primary division, from junior kindergarten to grade 3, and also at the secondary level. The money that is going into the system, to the tune of \$263 million, is to ensure that those class sizes are attainable. I believe the size of a class certainly has a direct impact on the quality of education that is taught within that classroom.

Why set class standards? What was happening before was school boards were negotiating with trade unions to increase the size of classes at the expense, obviously, of quality education so that they could put more into the package at collective bargaining for their members. That's their objective. No one disputes that. That's what's required of them under the Labour Relations Act, to be a trade union obviously to promote the interests of their members. But it's our responsibility as the government—and certainly schools boards' responsibility—to make sure that they provide quality education. So we have established standards that have to be satisfied by the school board, and that is one very important area.

1600

In this legislation, we find standards are being set with respect to co-instructional activities, with respect to instruction time and with respect to class size, because those issues should not be held and should not be in the labour relations area. That should be out of the labour relations area. There's no room in the education system for quality standards to be eroded at the expense of our students. We cannot have in our education system a willy-nilly withdrawal of services which are expected to be provided for the quality of education for a student, when the trade union says: "We're not happy with this. We're not happy with that. We're going to withdraw our co-instructional activities because we're after something in negotiations," or "We don't like the way the school board's doing certain things."

We have made the responsibilities of the school boards crystal clear with respect to co-instructional activities, what the principals' responsibilities are and what the teachers' responsibilities are. We've also made it very clear to the trade unions what we expect of them and

what the penalties are if they do things that are not according to the law, because there's no room for co-instructional activities to be used as a negotiating tool by trade unions, and I'm particularly pointing at secondary schools. We have not had that problem in elementary schools.

One other aspect of the bill deals with accountability. Parents and taxpayers expect accountability. The member from St Thomas probably doesn't expect accountability; he's yapping over there while I'm trying to speak. But I'll say this: Accountability is important in the education system not only at the ministry level but at the school board level, at the principal level and at the teacher level. Accountability is important. So what we have put in place is a system for the minister—who already has the power to investigate where there's financial mismanagement or intentions to financially mismanage the system—to issue directions, to issue orders or even take over the school board if they're not going to satisfy the standards for quality education.

Accountability in the education system is here. This is what this act brings forth. It brings about education standards and it puts a mechanism in place so that the minister has the ability to ensure that those standards are satisfied. Those powers with respect to financial mismanagement were already in place previously in Bill 160.

In respect of my colleagues who want to join me in this very important debate with respect to Bill 74, the Education Accountability Act, I will sit down at this time.

The Deputy Speaker: Further debate?

Ms Caroline Di Cocco (Sarnia-Lambton): It's a pleasure for me to be able to speak to this bill. First of all, I have to say that I sit and listen with frustration to some of the rhetoric as they speak to Bill 74. This bill is simply about arrogance, it's simply about centralized power and nothing about making our public education system better. In the opening explanatory notes of the bill, it starts off with this change of even the definition or the terminology of "extracurricular" to "co-instructional" activities. This is where the sham begins. This government has changed the word "extracurricular" to "co-instructional." I just wonder, does this now mean that by changing this name from "extracurricular" to "co-instructional," it's somehow made more relevant, and that for teachers who have been volunteering for years for extracurricular activities, that extracurricular activity terminology somehow is not as relevant as this co-instructional activity?

I'll state that educators are professionals and have known for years and have volunteered their talent and time for years to make the educational experience of students more than this archaic industrial model this government is using across this province for education.

Instead of doing what a good manager would do and give credit to the teaching profession for their contributions to education, above and beyond the call of duty, what this narrow-minded, and I'll use the word "arrogant" again, and autocratic approach does is to insult the integrity of the profession and to propagate the negative

image that teachers do not participate in extracurricular activities, not because this is fact because for the most part this is not the case, but because this government would like the public to believe that is the case. I call this propaganda: not based on fact but based on distortion of the truth to justify its attack on this honourable profession.

I read in a recent publication that Joseph Goebbels—he was the Nazi propagandist—described propaganda as this: It is the art of simplification, constant repetition, appealing to the instinct and the emotional, and simply ignoring unpleasant facts. The word “propaganda” in my estimation is quite appropriate in the manner this bill has been spun.

Where in any other sector across this province has voluntary service been forced upon a profession? How does this increase education quality? In my opinion, both the minister and the Premier do not understand the value of educators and the complex role of what education is all about. The only other explanation I have is that, simply, maybe they're just on a power trip.

Quality education is best achieved in an environment of respect and of being valued for the excellence that is achieved, and by politicians here at Queen's Park realizing the positive and negative effects their decisions are having on the front lines. Understanding education and what works, listening to those front lines of educators who are professionals and know first hand what they face every day, would be the ethical thing to do. When you want to know what's working in crime control, you talk to the police forces on the front lines. You don't attack them because one or two of those officers may not be doing their job very well.

I would argue that quality education is not achievable with sustained confrontation of the educators. Quality education is not possible by the blind political ideology of neo-conservatism that does not value what is best in our society, does not value one of the strongest forces that shapes our society and provides the best competition in this post-industrial age, and that is the education system and the educators.

1610

Both you and I know and understand that this far-right ideology is all about power and privatization. This is the only explanation for this type of bill in this province.

Subsection 1(1): ‘co-instructional activities’ means activities other than providing instruction ...”

I would like to go into the instructional time, as dictated, of the 1,250 minutes that this government has quantified. This again is based on an industrial model that is not applicable in education.

The problem with this government specifying working conditions for teachers is that the assumption is present that teachers only work when they're in the classroom in front of students. Hence the day and the teacher's hours are defined by the amount of time they're in the classroom. When the final bell rings and the school day is over, the teacher's no longer working, according to the

1,250 minutes a week that this government has dictated to the teachers.

We want to talk about clarity here. To increase the instructional time to 1,250 minutes per week meant—this is what's happened and we'll talk about clarity—that the school day should be extended by 20 minutes. This definition was a means to force high school teachers to teach an extra class throughout the year; that is, seven of eight classes scheduled in the high school. But because the school is semesters, this means teaching four classes one semester and teaching three classes the next.

Please remember that labour laws are never applicable to the teaching profession. Teaching four classes means this: This is clarity. You teach two consecutively, you have lunch, then you teach two more; or you can teach one, you have lunch, then you teach three; or you teach three, then you have lunch, and then you teach one. That's the reality of clarity, by the way. Furthermore, this workload was not to be for everyone but for two-thirds of the teaching staff. Such a directive was opposed of course by unions, and this agreement was bought into and the assignment of six out of eight classes.

What I want to say is that this bill is not about quality education nor is it about accountability; this bill is about the neo-conservative government giving itself extreme powers. The minister will have absolute powers in many cases. It's about discouraging and ultimately silencing local democracy. It's about muzzling critics, with the power to fire any employee who should refuse to follow orders from Queen's Park. Unfortunately, that is what this bill is really about.

Mr Doug Galt (Northumberland): It's certainly a pleasure for me to be able to respond to this particular bill. There's a lot of confusion on this bill, or at least a lot of confusion that the union is trying to put forward, a lot of rhetoric that we're hearing from them, which is indeed most unfortunate.

I think back to the kind of rhetoric we were hearing at the time of Bill 104 and Bill 160. That was the extremism that was coming forth from the union. I found it very upsetting. Even the board chair in my riding said that, with Bill 104 and Bill 160, a school board won't even be able to buy a toothbrush. What kind of garbage is that being put forth by the local school board chair, and obviously dead wrong, but wanted to create emotionalism and get the public all upset with our government?

They were going around about these unprecedented powers and how the government of Ontario could take over the school board. What was in that act was exactly what's been there for several decades. Similar things are in the health act for hospital boards. Similar things are there in the Municipal Act for municipal councils. This is nothing exceptional, nothing was different, but they were trying to make a big thing over it and get the public all stirred up and all upset.

They went on to say that the student was never mentioned once in all of the act; they used the term “pupil.” If I remember correctly, and I'm trying to go back some three years, it was used something like 160 times, but

they were trying to play games because the word "student" wasn't being used, which is most unfortunate.

Then they came out with that because of those bills some 10,000 teachers were going to be laid off. We know what happened. That certainly did not happen, although again they were trying to create this kind of rhetoric, create that kind of emotion in the public; and that was very unfortunate.

What Earl Manners, who is the head of the union, is now saying about Bill 74—his first press release said that we were going to lay off teachers. Then what did his press release say just two or three days later? Oh, but Bill 74 is going to create a teacher shortage. He must be a Liberal. He would have to be a Liberal to be coming out with both those positions at the same time. I consider it the same time, two or three days apart, whatever it was. It was within the week, one right behind the other.

The reality of what's going on here is that there are expanded positions for teachers. We're reducing the class size, both in the secondary panel as well as in the elementary panel, by roughly one student per class, investing millions of dollars to ensure that happens. That really means there are going to be expanded positions for teachers. Maybe Earl Manners just can't add that up, I'm not sure, but he should because he's writing a lot of speeches for the NDP. When they're speaking, obviously it's union rhetoric they're putting forward.

I think it's also interesting, what with all this rhetoric, that the applications for teachers' colleges are up something like 40%, and I understand enrolment is up the same. The teaching profession must be looking good to our young people, the opportunities. In my opinion, and from what I'm hearing, that is certainly being reflected in those kinds of applications. I applaud them. I think it is a great profession. My second daughter is a vice-principal in the Durham board and writing some of the textbooks for education. My hat is off; she just does a tremendous job.

As I say that, we hear the Premier speaking highly of teachers—I've never heard him criticize a teacher—all three education ministers we've had speaking highly of teachers. What they criticize is union activities and the system. The system needs to be corrected and changed. Also, some of the things that unions are doing are absolutely unsatisfactory.

What we're doing in this bill is clarifying the instructional time that was set out some three or four years ago in Bill 160, but in the interim they've negotiated away some of that instructional time, and boards and the unions have been saying repeatedly that they want it better clarified. So that is exactly what we are going to do with Bill 74. It shouldn't have been necessary if the unions' interest was really the students. If they had the students' interest at heart this wouldn't be happening, and if they hadn't negotiated away that quality time for our students.

I think it's also very important that we get this legislation passed before the end of June, prior to the House rising, because of some of the negotiations that are going

on. We really do need to move along with this legislation, and that's part of the reason for the time allocation motion we're debating here today.

Parents, teachers and students have told us that such duties as parent-teacher interviews, writing reference letters to accompany scholarship applications and co-instructional activities like coaching basketball games and band practices are not extras. Bill 74 would ensure that these things cannot be withdrawn as part of a work-to-rule campaign. That's really what this bill is about.

1620

I personally think it's very unfortunate that we have to bring in a bill with this content to require teachers to do this, but the basic reason is what happened with the union requiring, demanding that teachers not volunteer outside of the classroom time. I find that absolutely despicable. It's just unacceptable and it's unfortunate. But what does a government do when a union is using these kinds of tactics? The only thing, as I see from the Minister of Education, our government, is to come forth with a bill that will require that there be some.

As you walk your way through it, we're not saying how much co-instructional time there should be or what they should or shouldn't be doing, even though union rhetoric that I'm getting in mail says they're going to have to be on call seven days a week, 24 hours a day. As a veterinarian, I can tell you that in eight years in private practice, I know what it's like to be on call 24 hours a day, seven days a week. There are not too many basketball games at 2 a.m. That just doesn't happen. Yes, there are some on a Saturday that they might be appointed to. But this works out to, first the board sets the policy and then once the board has set the policy, the local school, with the local school council, in concert with the principal, decides the kind of co-instructional time that will be spent. Then it's the principal's responsibility to assign that.

We know that all teachers are not qualified to coach basketball or hockey. Take myself, for example; I certainly wouldn't be qualified to teach music. I couldn't carry a tune in a basket. But nevertheless, with the kinds of qualities various teachers have, they would assign appropriately. There are some teachers, with the kinds of courses they have, where it doesn't blend well with extra-curricular, but I'm sure they do have skills that would apply extremely well.

I have another two or three minutes here. I know the member from Durham is really anxious to fill out this time allocation to our party, but I want to talk about one teacher from Campbellford by the name of Dave Noble. This is an example of a teacher really taking on extra-curricular activities. He has been leading a jazz ensemble and they have been winning praise all over Ontario, and nationally as well. They've enjoyed success at MusicFest Canada. They've been winning in regional festivals. Even recently, when they were performing, one of the adjudicators actually begged them to come out for an encore. They've been on radio and they've been on tele-

vision. This is an example of a teacher just doing a tremendous job in that area.

Actually today, they're being honoured by a parade in Campbellford-Seymour. The mayor of Campbellford is recognizing them and also the town council has dedicated and designated this week as the CDHS Jazz Band Week, all because of this particular teacher. He has made it cool to be in this particular band. He's also won the 1999 TVOntario teacher's award.

We have another teacher, a geography teacher in Cobourg West, who similarly has done a tremendous job and is being recognized, and shortly in the House I will have a statement about this particular teacher.

I think it's so important to recognize what's going on here, and the issue that teachers and the unions seem so concerned about has to do with the co-instructional time. It will all be worked out through the different committees and the school councils. This wouldn't be in legislation if the union hadn't kept teachers from going forth in certain boards to do volunteer work. We've had teachers end up with nervous breakdowns because they couldn't do this, they couldn't help students with extracurricular or co-instructional time. That's most unfortunate.

If the unions had stayed out of it this would not be in the legislation. I think that's important for the public to know. Thank you very much for the time. I'm giving 14 minutes to a great member from Durham and I'm sure he'll expand on some of the comments I've made.

Mr James J. Bradley (St Catharines): We have seen already today a major retreat on the part of the Harris government—not by the Premier himself; he was nowhere to be found this afternoon when the retreat was announced. I wanted to send out a posse to find him so that he could make the announcement of the full retreat on the issue of a full public inquiry into the circumstances surrounding Walkerton, Ontario, the most tragic and unfortunate circumstances on the issue of water safety throughout this province.

I would want to see this government make yet another retreat, and that's on this bill. I would applaud a retreat on this bill because it think it represents yet another attack not only on the teaching profession but on public education in Ontario. Ultimately, we must always look at what is good for the students who are in various aspects of school—elementary, secondary and post-secondary education—when we're looking at legislation that's forthcoming. The government has been consistent in putting the boots to the teachers of this province, unfortunately. The government members like to characterize this as an issue between what they refer to as unions and the government. This has never been a fight between the government of Ontario and the teachers' federations of Ontario. This is a fight between those who believe in a strong, vibrant, high-quality publicly funded education system and those who do not. That's what this bill is about; that's what most of the legislation is about when we deal with it in this House.

What has also happened—and those who have served on school boards would know this and must feel pangs of

conscience when they see it—is the government is really putting in a vise the school boards of this province. Many people who served on school boards are members of the Conservative Party, or were in the past, at the very least. They had a strong dedication to education.

When I was first in this House a number of years ago, people like Tom Wells, Bob Welch and Larry Grossman were committed to public education and cared about public education. Yes, there were some disputes over the years with individual members of the teaching profession and perhaps the federations, but usually those were resolved by sitting down together at the table and coming up with a solution.

The difference here is the government has designated teachers as the enemy. They know that there's a certain segment of the population out there who resent teachers, who perhaps didn't do exceedingly well in the education system and would look to teachers as being part of the reason they did not, or others in certain professions and so on who may feel that they are in a much more difficult position than teachers, and they play to that particular sentiment.

That's most unfortunate, because the role of a Premier is to bring out the best in people in the province. Unfortunately this—and I wish I didn't have to say this—in my opinion, is not what this Premier does. He divides and he hopes to conquer when he divides. I know there's a lot of desk-thumping and applause when the Premier puts down certain groups—he calls them special interest groups. Apparently those on Bay Street are not a special interest group; those who are in the corporate sector who just got huge cuts in corporation taxes are not a special interest to the Premier; and the very wealthy people who did the best with tax cuts are people who are not seen as vested interests or special interest groups by the Premier.

You see, we must approach the province as a whole and say, "What is best for the education system in Ontario?" I think this bill is a major step backwards. Teachers are very, I wouldn't use the word "disgruntled" as much as "discouraged" by what they see with this government. I know the government can claim victory from time to time, and it feels good to think that somehow you've put somebody in their place.

I admire members of the medical profession, who have once again wrestled the government to the ceiling in terms of the negotiations that went on. I happen to think that members of the medical profession should be paid well and their services are very valuable to the province. But I notice that the government has a great fear of the medical profession, so whenever they get into negotiations I look at the ceiling, to see the doctors on the ceiling, having been wrestled there by members of this government. I admire their ability to do so; I think they're deserving of that.

Bill 74 is about doing education on the cheap, first of all. It cuts the instructional funding for high school by at least 7%. The Harris government has reduced its share of education funding by some 29%, or \$1.6 billion, since it came into office. It dilutes the students' learning experi-

ence. It reduces the amount of time teachers can spend on each individual student, and that is what they want to do: spend that time with those students. It increases the workload of teachers by 30% one quarter to one half of the time, and that is a workload which goes far beyond—

Interjection.

Mr Bradley: The member for Northumberland laughs, as he always does in these particular circumstances, but it's most unfortunate, because that's exactly what happened. I've talked to teachers who have gotten up at 4 o'clock in the morning to go out to the rowing course in St Catharines to coach rowing, then go in to school, teach all day, work with extracurricular activities, perhaps not of a sports nature, and then go out and coach the football team or the basketball team, sometimes two and three teams. Yet this government wants to say: "That's not good enough. We're now going to force you to do so." People will do things much more of their own volition, voluntarily and happily, for the students with whom they work, without the Mike Harris government telling them when and how they must do that.

1630

It creates the likelihood of strikes and learning disruptions in the fall where none existed before. I didn't expect there would be any. I think we will see it with this legislation. It disrespects and discourages educators in this province. You know, now they retire almost the day they can. I can remember when teachers used to stay in almost as long as they could to continue to work with the students. But there is so much despair out there in the education system, so much disruption, so much anxiety, that we have outstanding people leaving the teaching profession the day they can and we don't have that fine balance we need of experienced people and new people coming into the profession. It forces teachers to do mandatory after-hours work on any day of the week and at any time. It fires teachers who don't comply with that. It strips away the right to bargain any of these work conditions. It eviscerates the independence of community school boards to make significant decisions. It imposes a staffing funding formula across the province that was previously used only at two out of 72 boards—in Durham, they were—which themselves had serious dysfunction as a result. It fines, penalizes and bars from office any school board officials who don't comply—in other words, who dare to question Mike Harris's best wishes in education. It gives the minister power to take over whatever she has concerns over, what a board might or might not do, and creates a terrible precedent for reckless use of central government power. Teachers and school boards have no right to appeal.

The government is obviously afraid to have the terms of the bill discussed in public, allowing only one and a half days of public hearings and a total of four days of debate. This is a major and significant part of education, a major and significant piece of legislation, and this government wants to have next to no hearings. I think it would be important to hear not only from teachers, who are directly affected by this, but the students, who are

indirectly but importantly affected by this legislation, from parents, from the general public. I think there are a lot of people out there who say the government has gone too far. Even some who support some of the reforms the government has been involved with—I don't support very many of them, but even those who support some of those reforms are saying to me, "The government has now gone too far." That actually happened with Bill 160, where it was mostly parents of people who are teachers, or perhaps spouses or perhaps someone who was a neighbour, who said, "Why does the government continually go out of its way to pick fights with members of the teaching profession and ultimately to put down public education?"

The extreme right wing, aided and abetted by reports from the Fraser Institute out on the west coast, wishes to discredit public institutions, wishes to create a crisis of confidence in public institutions so that the public will accept radical solutions which normally they would not accept. We're seeing this in health care, where there is a hope that the government is going to somehow now have a two-tiered health care system, privatize it. We're seeing it in the education system, where this government is moving quickly towards charter schools and beyond that. It's most unfortunate, and I think the government should withdraw this bill.

Mr John O'Toole (Durham): It's my pleasure to rise this afternoon on this motion dealing with Bill 74 and how to move forward to ensure that—really, I think it's about ensuring that the students of Ontario have a full education opportunity.

I think it's important, with all these large provincial issues, to always start with yourself and try to understand, was there a need for change? Of course the important thing is the royal commission. I always think of it as the background piece. The royal commission, started by the NDP government, acknowledged the importance of reforms in education. There would be differences of opinion; that's to be expected with such a significant amount of change, in curriculum and governance and how each child is funded equitably. Those issues were central to the theme of the Royal Commission on Learning. There are going to be differences, because in some respects it is 10 or 12 years of the model that was in existence, probably from the Hall-Dennis report—there was a serious lack of accountability and there was a serious lack of equity in the system between northern communities and southern communities, between large, assessment-rich communities and rural communities, like in my riding of Durham. So there was the equity issue.

Really, I think in all of this the students got lost. The evidence is clear, Mr Speaker, that class sizes were going up so boards could afford larger and larger wage increases for teachers. I would say to you, right here on the record today, that I believe you could not pay a good teacher enough. In that respect, I think it's like they are a profession. As a profession, there should be differentials in how much they're paid. There isn't enough money to pay a good teacher who will affect the future and poten-

tial of my own children, and all the children. There are teachers who clearly shouldn't be in the classroom. That's part of what this whole College of Teachers debate was about.

We've established, without question, the important need for change in education and that, in that dynamic of change, there are people that are strongly opposed to, and defensive of, the status quo. They're strongly opposed to the changes in defence of the status quo. I sort of come at this as a parent of five children. I've probably said that several thousand times in the House, but it bears repeating because my wife is a teacher. I know that she puts a lot into it. I know teachers, as we speak, are probably—well, they'd be home by now, but they'd be marking report cards, or correcting, or filling in the extensive work that's required to do the out-of-the-classroom activities. In high schools in a couple of weeks, the actual classes will have finished and they'll be invigilating exams.

There's not just teaching the 6.5 credits. That's just a small part of what's expected of a professional teacher today. I know they're up to it. I'm clear about that. I've explained the motive of change. Dave Cooke, who's now the co-chair of the Education Improvement Commission, is a previous Minister of Education who started many of the reforms, the Education Quality and Accountability Office. That was, I think, Bill 33. He also started the College of Teachers. A big debate about that—the unions wanted to have control of the college board. That was the simple argument: They wanted control. They wanted power.

Then there was the whole idea of testing in grade 3, and I believe it's grades 6 and 9. That was started prior to the election. Moving forward, we're continuing to address the quality of education and putting the students first. The whole issue in Bill 74 that is important is to set about some confidence in being able to complete what Bill 160 started, and that's to deal with the whole issue of instructional time. There's no one here on this side of the House who would expect anyone to do any more than that 1,250. If you just do the simple math on that—and I recognize that there's preparation time in preparing a basketball or a volleyball tournament. I recognize that there are times outside of that four hours and 10 minutes or something a day—

Mr Joseph Spina (Brampton Centre): Twenty minutes.

Mr O'Toole: Four hours and 20 minutes, I guess it is, as the member is saying. That's 21 hours a week. Clearly there are other responsibilities, and there always have been other responsibilities in their assignments in working with children, in counselling and guiding and moulding their lives. I'm primarily addressing this in the secondary school environment, because my own five children attended—I say this without trying to boast about it; maybe there's some lack of stability or something. They're all either in or have finished university. But respectively, they went to the Durham public school system while living in Port Perry; they went to the

Durham separate school system; they also went to what was then called the Northumberland-Clarington boards of education in Bowmanville and Courtice, and the Peterborough Victoria Northumberland and Clarington Roman Catholic Separate School Board as well. For the record, they attended all four systems.

I was a trustee, twice elected, for the separate board in the area. I also ran for the public board. I believe there's a lot of value with the boards working together.

So clearly the changes in not just this bill but in education are not complete. I really feel that there are a few things that I do want to put on the record. I'm very disappointed, primarily with the position of OECTA, the Ontario English Catholic Teachers' Association. I'm extremely disappointed in their positioning on most of these issues. I want to read for the record a couple of things that will certainly clarify why I feel that way.

1640

The information I have would indicate that there has been a strategy developed. I'm quoting an OECTA internal memo dated May 23, and it says: "It is important to note that Bill 74 has not yet been passed into law and is therefore subject to change. There are also many particulars yet to be made clear in regulations. While you have no doubt heard reports that OSSTF," the Ontario Secondary School Teachers' Federation, "is 'planning' for strike action in the fall"—how sad. I'm reading it here. It's right here: "planning for strike action in the fall." This is our children's future. This is the plan and it's Earl Manners to a T. His main thing is power. Where is the students' cause in all of this? It just doesn't seem to matter.

To go on: "While you have no doubt heard reports that OSSTF is 'planning' for strike action in the fall, the message delivered by Barbara Sargent, OTF president, at a special OECTA council of presidents held last Thursday is contrary to this type of action." They want a work-to-rule strategy, which is to withdraw other services, ie, co-curricular. "Sargent stressed that a direct confrontation with the government would only serve the government and that this is exactly what" the Harris government "is hoping for. Sargent also spoke of the need for all the affiliates to 'stick together' to fend off the government's assault on teachers and education." It went on to say that they formed an alliance with the federation of labour—all of the union groups kind of working together to put Harris in his place.

I should say here for the record, Premier, stay the course. We're behind you, and a lot of the people of Ontario are behind you. I believe firmly that the election in June 1999 was about finishing the task, the challenge we started in 1995. I believe it was completing the changes to improve the quality, accountability and accessibility of education—quite clearly, Mr Speaker, you were part of that government—that Dave Cooke, then Minister of Education, started. I have the confidence in our Premier that he will deliver on his promises. His caucus is squarely behind it, and our Minister of Education,

Janet Ecker, is prepared to work with all the stakeholders to put students first.

This is a very important time in history, and I'll be listening intently as speakers from the opposition try to map out some reason why the education system shouldn't change along with the rest of the world. That's all we're asking. Think about the time, the 1,250 minutes. Yes, we recognize—and I've heard reports that there's 10 months of the year and that's the way it's been for a long time, that they only work 10 months of the year and they should withdraw their services.

Unfortunately, I should have had more like an hour. I spoke to Vanessa on this earlier and I was overridden by the House leader's office, but there may be a chance that with unanimous consent they'll extend the time for me.

The propaganda that I, through some spies I have—I shouldn't disclose who they are. It's not my wife; strike that from the record. She wouldn't be very pleased with me. If you're watching, sorry about that, Peggy. Nonetheless, some of the stuff that appears within the staff rooms is absolutely—it shouldn't be there. It's politicizing the educational environment. It's just not acceptable any longer. This one here, for instance, is an editorial, an opinion, and it's a very politicized statement opposing education reform. This is an OECTA circular on May 19 and it says, "Legal counsel Elizabeth Shilton highlighted the dangers of Bill 74." This stuff is sitting around the staff room and in the hallways, using our fax machines to propagate and propagandize our children's learning environment—totally unacceptable. My heart is saddened right at this very moment as I speak to the people of Ontario. This is about Earl Manners's sense of power. I am saddened.

I have to get back on track, because there's a lot more to be said. There are a few things, though, most of it—

Interjections.

Mr O'Toole: Mr Speaker, a little more attention is appropriate right at this time because I'm winding down.

Most appropriately, I have just recently sent about four or five thank you letters to teachers in my riding. I respect every one of them individually, even those who aren't listed here.

Karen Graves has just commissioned a dance and drama combination at the Bowmanville high school—rave reviews. Art and theatre's alive and well at Bowmanville high school.

Cartwright high school is celebrating its 75th anniversary. Just recently, the band from one of the smallest high schools in Ontario won a band competition in eastern Canada—John Verness, the principal conductor.

Courtice Secondary School—I'm working with the students there. Johnathon Brown, the e-commerce guy, e-education guy, and Jeff Brown and John Winder—I was just there a week or so ago, and some of the wonderful things they're doing with the Science Olympics, the Learning Olympics, is absolutely inspirational. Linda Greenwood, the principal there, is a very empowering person.

So there are many, many positive things. Keep the union out. In fact, keep the government out. Let our schools operate and let the people operate, empowered professionals. A power struggle between Mike Harris and Earl Manners does nothing for our students' education.

In conclusion—I know a lot of people have been waiting for that line—nonetheless there is a section in here that I have challenged the Minister of Education on. For the public record here, this is dealing with paragraph 7.1. Just the wording and the tone of it—I want to find the person who wrote this, the little bureaucrat who wrote this. They caused this problem of implying that somehow teachers were on call seven days a week, 24 hours a day. That's simply not here. What this is about is making sure that every student has the opportunity for outdoor education, that every student has the opportunity to exercise extracurricular activities and the fulfilling aspect of life in high school. Depriving our students of that is simply unforgivable.

This bill has to pass so we can resolve these problems and move on to ensure our kids have quality, accountable, accessible education in Ontario. The very, very best for our students is the least we can do.

The Acting Speaker (Mr Tony Martin): I want to bring to the attention of the House the presence of Margaret Harrington in the visitors' gallery. She was the very effective member from Niagara Falls in the 35th Parliament. Welcome, Margaret.

Further debate?

Mr Steve Peters (Elgin-Middlesex-London): The member just said he's saddened to have to speak. Well, I'm very saddened to have to speak to this bill. Talk about putting politics into education. Your government has done more to politicize the education system and done more harm to the education system than any other government previously.

Here we go again with this time allocation motion in front of us cutting off debate. This is unprecedented, what we've seen with this government, the unprecedented use of time allocation motions in this House. Every one of you members on that side should be totally ashamed of yourselves at how you're undermining the democratic rights of this House. It's shameful the way you put forth these time allocation motions. If the government had any sense—and they don't have any common sense—they should do the honourable thing and withdraw this Bill 74.

This government loves to talk about accountability, but their actions don't speak any louder than the words. Look at your record of accountability to individuals, to the George family with Ipperwash. Look at your record of accountability to the people of Walkerton, to the health care system of this province, to the Province of Ontario Savings Office. Where's accountability on that side of the House?

This government is going to be held accountable for the growing lack of respect you have caused among the teaching profession in this province. This government is the cause of that. One of your biggest problems is that

you can't help but go out and continue to negotiate in the media. Look at the ad campaign you put forth one year ago, the information you put out and what that did to the teaching profession. You talk about trying to bring respect back into education. Well, you know what your government is doing. Your government is removing respect from individuals who are supposed to be out there doing what is best for the children of this province.

Just today, we talked about the code of conduct that's introduced. It's so ironic to stand in this House and sit in this House and watch the terrible, deplorable state and way that this Minister of Education acts in this House. It is just terrible listening to her constant heckling. She yells and she screams like a schoolyard bully, and that's a terrible example that the Minister of Education is setting for this province.

1650

They talk about the brain drain that exists in this province. They love to blame the federal government for the brain drain. But this government is causing a brain drain within our education system and I think that is a real shame. The actions of this government are leading to an unprecedented exodus of good individuals from the teaching profession, individuals who should be there helping our children lead good lives, but your actions are leading to this unprecedented exodus. What we're also seeing is a loss of veteran teachers who have done so much for the teaching profession.

You talk about mandatory extracurricular activities. How do you mandate volunteer activities? I look at the example of a teacher I had at Arthur Voaden Secondary School in St Thomas. Ed Williamson spent 30 years of his life in the teaching profession. Ed Williamson spent countless hours as a football coach every evening of the week, starting in August. He wasn't paid for that. He did that out of love. And this government is now going to start to mandate that.

The other thing that really bothers me is that it's all about power. This government is so bent and determined on power—power of the centre of the Harris office, power of the government. That's what it's all about, this whole education, Bill 160 and now Bill 74. It's centralizing control and taking away—this is a scary thing because it's happening not only within education; it's happening all through government agencies right now. It's taking away local decision-making authority and centralizing that decision-making authority in Queen's Park, and that's wrong because what's right for Queen's Park isn't always right for what's going on in Elgin-Middlesex-London.

What they're also doing is that there's a serious threat to the collective bargaining process in this province. What I'm extremely concerned about is that the doors are being opened with the teachers and that what this is leading to is a real threat to the whole collective bargaining process in this province. But do you know what this government loses sight of in all of this? This is all about children. This government has done more to disrupt the lives and the education of children than any other govern-

ment in the history of this province. They're pitting one side against the other: teachers against trustees, parents against teachers. Who's stuck in the middle? The students, and that's very shameful.

I want to read into the record some comments of Patrick Dunne, the director of education at the London Catholic District School Board. He talks about today's teachers being truly heroes. "Given the government's determination to break their backs, belittle their efforts to shape the minds, the hearts and the souls of our children and youth, and provide for them within school and outside of the school a nurturing environment that is absent in many homes, it is beyond comprehension that they are still willing to bring such vigour and enthusiasm to the important work they do."

Members of the government, do the honourable thing: Withdraw Bill 74.

Mr David Ramsay (Timiskaming-Cochrane): I'm pleased at this moment to speak on this bill as I just came from the grand foyer of the Legislative Assembly, from meeting a class from a school in the new part of my riding, at Markstay and Warren, right along Highway 17.

It was a grade 7 and 8 class and they were very keen to be here at Queen's Park to see how government works. They asked me what I thought about the Premier and about what was going on here. They were full of questions. I'll be sitting down before they actually come in. They're on a short tour right now and will be coming in. It's nice to see those school children because that's what it's all about. That's why we're here dealing with bills that deal with education and our school system across the province.

It's very tragic to see the bullyness of the Harris government in wanting to destroy traditions that have been forever in this province: the way teachers dedicate their time over and above the classroom time to their school, to their students and to their community.

It reminds me of when I was the Solicitor General critic and we had a bill regarding firefighters. This government put in a clause that firefighters would not be allowed to strike in Ontario. As you know, firefighters never went on strike in this province. It was part of their code that they would never go on strike, yet this government decided to bully the firefighters.

In this case, they're bullying the teachers. I remember in my day that I enjoyed sports very much, and I was involved in all sorts of team activity. Some of my fondest memories, probably because I wasn't the most serious student at the high school level, was of my sports activities and after school. Some of my fondest memories of the teachers, those who probably inspired me the most, were those I spent time with after school, out of the classroom—going on a trip to the United States for an international track meet; and the time that Mr Pennick from OTHS would dedicate, those weekends travelling with us, taking our young relay team down to Ohio, the same high school where Jesse Owens still held the record at that time. He spent the whole weekend with us. This was part of his love. He was a teacher because he loved

to teach and he loved to transfer the athletic skills to the new crop of students coming along, the new crop of athletes. In fact, he took us right to the all-Ontario meets, where we won a medal.

That has been the tradition, and that's why parts of this bill are just not needed to bully teachers, to attack them, to believe that teachers would abandon that tremendous time that they dedicate and have always dedicated and will continue to dedicate to the students in this province. It's absolutely unnecessary, but unfortunately and sadly typical of this government to create an issue where there's no issue at all.

They decided, in their zeal, to somehow rebuild the education system, but they decided to do that without a blueprint. So they took a wrecking ball to the system, and now bit by bit they're having to do more and more to it, because they busted the whole thing up. They've completely demoralized everybody in it. It's very sad to see that. I saw some teachers downstairs with those students, and they're not as happy as they were a year ago and two years ago, because of the continuing attacks from this government. I would ask for a cease-and-desist order from this government. Why don't you leave educators and education and the students alone and let them do their job to the betterment of this province?

Mr Gerard Kennedy (Parkdale-High Park): It's indeed a pleasure to follow the remarks of my colleague from Timiskaming-Cochrane.

The idea that seems to be particularly alluding the government in putting this bill forward is that this needs to be discussed in the interests of children. The government has apparently decided it is afraid to reveal what's in this bill. It is afraid of public reaction. It's afraid to reveal anything that is substantive in terms of their real intentions here.

I say that because we're debating a time allocation motion today, which is a fancy name for cutting off debate. There will be no debate after today on this bill until it comes back to be voted on as a result of this motion. It will be voted on in 10 days time by the fiat of this government, afraid to hear from the people of the province and hoping, crossing their fingers, that parents in particular won't catch on to what they're really up to.

Tomorrow and the day after and Monday and Tuesday of next week there won't be any hearings and there won't be any debate, because this government is afraid to have debate. They don't want to have the debate in London. They don't want to have the debate in Guelph. They're afraid to go into Durham. They don't want to show up in any of the communities in this province except for two.

Incredibly, they have the audacity to put forward this tawdry bill, this shameful bill with really almost a stunning lack of insight, lack of knowledge of education reflected in it, with incredible aspects to it that I'm going to touch on in a moment and then to try to hide it from the people of Ontario, to say: "In our power as government, we've decided we don't have to tell you about the bill. We're afraid, we're not courageous, we won't tell you, the people of London, what's in this bill that will

affect your children come the fall." I find that highly problematic.

1700

They're saying in this bill that for the two million kids in Ontario whom they propose to negatively impact with this bill, they will permit, in their grace as the government in power, they will give to the people of Ontario two, maybe three hours of hearings in Barrie next Wednesday, and then they will deign, in their majestic splendour and majority power, to provide the people of Ottawa and area with one day of hearings. That's all there is. That's because they're afraid. That's because the government is afraid and doesn't have the courage of its convictions.

If you read and understand the bill, you can well understand why there are not members of the Conservative governing party standing up and saying, "I want this in my riding." In fact, I wonder what lottery the member from Barrie and the member from Ottawa, representing the government party, lost in order to have it in their communities.

What it's fundamentally about is a government that wants to do education on the cheap, that wants to run down the existing system. We have a document demonstrating beyond any doubt that this government has cut its share of education funding by 29% since they've come into office, \$1.6 billion. I've challenged any of the members opposite, including the minister, to debate that, to put their figures on the table. It has now been almost 10 days and none of the members opposite have produced any figures to the contrary.

The public watching out there can be assured that these figures, derived from the public estimates, are a true reflection of the lack of commitment of this government. It's part of the agenda, because they've done it with some subterfuge. They've done it by downloading certain things to municipalities. It takes an explanation. We want to offer to people that if they apply to my office, we will send them a copy of this report so they can see that in fact there has been a \$1.6-billion reduction—especially when you include inflation and enrolment increases; those have not been provided for—and then real cuts, real dollars left, of about \$871 million as part of that.

This is not what the kids of this province need. This is not what the students need to bravely meet the future. They don't need a tepid government afraid to explain themselves. Every other jurisdiction in North America that we have to compete with is saying: "We will develop our children in the best manner possible. We will spend more money on them." The governor of California says: "I'm going to take away income tax to attract the best teachers. That profession, I think, should be so valued, they don't have to pay income tax any more." Other jurisdictions are saying: "We are going to pay more for teachers. We're going to put more money into the system. We're going to have smaller class sizes. We're going to have a means of actually making sure that

everybody in the system is able to drive towards one goal: good quality learning experiences for children."

Sadly, the government is going in an utterly different direction. This bill does further their tawdry agenda. It does allow them to cut more money. They will claim smaller class sizes. What they don't tell you is that there will be fewer teachers out there, so the overall workload increase is at least a 7% cut in instructional funds to each and every school. You would think that when members are sent here by their constituents that they would be alarmed and upset to know that each of their local schools is losing 7% of its instructional budget. But nobody on the other side will stand up. It's unfortunate. They won't stand up for hearings. They will not say that we need to be out there listening to the public. There has been so much change inflicted on this system that the people of London and the people of Durham need to hear about this, and they need to tell us what has to happen in the system. That's not the view of this government. They want to dilute the learning experience of students. In a very strange way, this bill is one of those inside-out bills: It claims to be doing something about education, but it's really a blame-and-distract bill.

The government actually proposes that we need a law to deal with problems in extracurricular. But when you question the government, for example, the assistant deputy minister, Norbert Hartmann, and you say: "Mr Hartmann, has the government done any studies? Has it done a report, an analysis to demonstrate any problems with extracurricular in places like London and Durham and so on? Does it have something?" and if they're recommending a law and taking the time in this Legislature, surely that's what they've done. Disconcertingly, there is no report. There is no analysis. This government has put forward a recommendation to this Legislature to pass a law without any substantiation whatsoever. It's an incredible use and abuse of their power. It's something this government unfortunately has become very accustomed to and very dependent on, that exercise of power.

What we have, then, is a bill that instead creates a problem, reduces the amount of time that teachers have by loading them up with what is an 11% increase in workload. But in the real world, which these members unfortunately have found themselves much detached from, that means from one quarter to one half of the time it's a 33% increase in workload. That's what it means. What they've done is said to those teachers they'll be working that much more, and of course they will have less time available for the other things that are part of the teaching role.

This government has decided to head off any reduction in extracurricular time by changing it altogether. In other words, we have a law that on one hand proposes to create a problem, lack of access to extracurricular by loading up teacher time with other classroom duties, and then on the other hand says, "We need to solve the problem we're going to create." It's an incredible conceit that a government would wish to hide that from the public, would conceal that, would be afraid to say to the

people of Guelph, "You need to know that we're going to have less attention per student by our teachers and we want to know if you agree with that." That's not the approach or the attitude of this government; it simply isn't. I think it is a very low watermark in our development of education to see this kind of tawdry, disrespectful legislation go through.

Much has been spoken by my colleagues, rightly so, about the attitude that this implies. All around this province, thankfully, despite this government, we have private sector employers that are investing in the learning and knowledge of their employees. We have people, for example, in the region of Durham in the auto industry, and what are they doing? Are they putting in big centralized laws and pushing down with their thumb on the people who work for them? Does the head of General Motors have a screen that they view the plant floor with and do they crack the whip and make people do things? No, they don't. They are developing workers who can think for themselves, who can act on their behalf, who can bring them forward and make some advances. Instead, we have a government going back and bringing us 30-year-old labour-management ideas. They're just going to force people to do whatever they in their Soviet-style wisdom here at Queen's Park—this must be a corporatist government, I guess, if we find them on the political spectrum. But they believe in big central government that doesn't listen to communities. They say, "You shall do this."

It is insulting in the extreme, when this government has no evidence to the contrary, that they would try to force and compel teachers to do what they currently do today out of love and respect for the students. What they do is jeopardize the amount of extracurricular that is there and then they try to blame somebody else, the teachers themselves, for having done that. That's unacceptable, and we in the official opposition will not be letting this government get away with that.

But I challenge the members today, if they wish to stand up for their communities, because they are also taking away any say their communities have. They will permit the Minister of Education, if she just so much as has a rumbling idea about something gone wrong, to step in, and she can dictate to every one of their school boards, she can fire their employees, she can exercise \$5,000 fines, she can make them liable for any expenditures they have made and she can bar them from holding municipal office for five years. That's what these members agree with. These members agree with those excessive, punitive abuses of government power.

These are like kids in a candy store. They have found that the candy is there. They're stuffing themselves. Only what the people opposite are eating is power. They're chewing on it. They believe that politically they can keep gobbling it up in the education system until they've run everybody who has decent concerns for it out of it. Well, this is going to be sour candy indeed. This government will pay for the bill that they're putting the choke on for us today.

Mr Rosario Marchese (Trinity-Spadina): We're dealing with a closure motion. Where to begin? There's so much to say. Where do you start? I'm going to start with closure, because this government is fond of closure motions. They don't like debate. They don't like debate in this place and they don't want to take this debate outside of this place. That is why these people have a fondness for closure motions.

This bill is titled the Education Accountability Act. You understand why it's oxymoronic, and as I said the last time, more moronic than oxy. They call it "accountability act." It's a buzzword. It gives the impression to the general public that they're making somebody accountable. All you need to focus on is the word "accountable."

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I want to talk about some other accountability that this government doesn't want to speak about. While they make everybody else accountable, everyone in society except the business sector, they don't make themselves accountable. That's why, to my good friend Doug who just came in, I'd like to talk about accountability deficits, because we certainly have a deficit in this place when it comes to a government that enjoys closure motions and when it comes to a government that is not strong enough, bold enough, brave enough to be able to defend itself and its bill by taking it outside for a couple of weeks in the way New Democrats used to do in the past.

Interjection.

Mr Marchese: John laughs. He laughs because he enjoyed the benefit of New Democrats making themselves accountable, and calls us fools because he's learned better and knows that the better way is not to consult with the public. That's why we have an accountability deficit, but we smoothly and glibly call this an Education Accountability Act, not accountable to anyone except themselves. Do you understand, Speaker? They're fond of talking about deficits except fond of talking about their own accountability.

That's why I speak of the accountability deficit, because these people don't want to take any debate outside of this place, except for one afternoon. The Lord has been merciful: They have given us one-and-a-half days of debate. One-half day in Barrie—God knows why Barrie—and the other day in Ottawa. It's the capital, I guess; Ottawa makes sense. No hearings in Toronto, because "Who likes Toronto anyway," I suppose the Tories want to say. Perhaps the opposition might be just a bit too much in Toronto, so they want to go to Barrie, of all places, for a glorious afternoon, I presume; a mere afternoon of hearings in Joe Tascona's area.

We have a problem in this place, because some of us are fond of democracy. We define democracy as making ourselves, as politicians, accountable. We define democracy as giving people the ability to speak to the bills that this government passes, because they haven't had another opportunity. The only opportunity they get is to be able to debate a bill once they've decided to put one forward. But if they have the courage to put one forward, they

ought to have the courage to take it out, defend it and allow the public to have its say.

An afternoon in Barrie and one day in Ottawa is not democracy to me, but maybe you good people of Ontario think it is. That's OK. If you believe that that is the way a democracy should be ruled, autocratically, by fiat, by this government, then I submit to you that I might be wrong. But if you believe that this government is afraid to hold itself accountable, you've got to let them know, because I tell you they are engaged in a politics of polarization. All M. Harris wants is 50% of support from the general public for any bill that he introduces in this place. That is all he needs. That is all he needs to get elected, and if he can solidify that 50% of the public, that's all he wants. He doesn't care if half of the population is against Bill 74, as long as the other half is for the bill. That's all he needs. It's polarized politics. It's Machiavellian politics at its best. It's Bismarck in the 21st century. You create a crisis and you fix the crisis. That is why people like the member from Durham and others use the buzzwords like, "We are a government that wants change," and "If you are for the status quo, I want to know, because you are against us because you are for the status quo." It doesn't matter what the status quo is; it must be wrong because the Tories say it's wrong.

Attorney General, the Tories say, "We want change." What kind of change? "It doesn't matter what kind of change. It's what the people want. The people want change. You let M. Harris look after the problem of what change we're talking about and you let M^{me} Ecker look to the solutions about what change we are looking for, because we don't want you, poor citizens of Ontario who are so bedraggled by so many little problems of life, to worry so much about the bills we introduce in this place, because we will look after you. We are there for you. So, good people of Ontario, when we treat the teachers as we treat welfare recipients, please don't think ill of us. We want change. We want accountability. We want quality. We are for the students."

The member for Durham says: "We are for students. Students should come first and that's why we are making the changes, because we want quality in the educational system. By the way, that's why we are going after the teachers, because they're not protecting our interests. You know why? Because we're dealing with bad unions here. We're dealing with those union bosses who are ruining the system. So we've got to protect the little kiddies from those unions, the union bosses. Remember that when you individualize these unions, they happen to be called teachers, but in the collective we'll call them, for the benefit of the public so that they will understand it, 'union bosses.'"

Does that ring well? It rings well if you want to polarize the politics of Ontario, doesn't it, Joe Spina? Sure, it rings well, because what you want is to polarize the public, "We're not dealing with teachers here; we're dealing with union bosses." Yes, that's the politics, but I wish you had the courage to say it. Just say it, so that could feel good. I'm saying it, but the good people of

Ontario might not believe me. If you said it, it would feel so much better, because I don't want to put words in your mouth. I know you speak of all the things that I have uttered. Perhaps I am interpreting erroneously. I don't want to do that. I want you to have the courage to say what you want to say so the public understands you.

So what have we done here? We say we've got a problem in the educational system, don't we, John? Don't we have a problem, because you're fixing it, right? You're saying you're fixing the system so we must have a problem in it, right? So the problem is with the teachers. Now what should we say to the good public as a way of getting them to understand we've got a crisis? We've got to tell the public that the teachers may not be as competent as we would like. Dare I say incompetent? That is the image that we, as Tories, want to be able to project to the public, that they are incompetent. That's why we're going to test them, isn't it, John?

Then what else is it we want to be able to communicate to the general public so they hate those union bosses, ie, teachers? We'll have to convince the general public that these teachers are, dare I say again, overpaid and underworked? Oh, yes. Why else would we be introducing, what you're fond of saying, testing teachers? Obviously they are incompetent so we need to test them. Bill 74 says: "They're underworked, so we're going to get them to teach one more period, and overpaid. Well, they'd better not ask more than inflation, even though they haven't had a raise in eight years."

The public that is tired, stressed out, says: "These teachers are well paid. These teachers have a lot of time to relax." So the politics of polarization is: "Keep the public thinking and believing that. We want the public to be visceral about those attitudes and we want them to attack those teachers so that when we assault them, as we have done since 1995, they will be on our side, they will be unquestioning." Don't they love ignorance? That's what the Common Sense Revolution is based on; it's based on ignorance. Because if common sense was that common, they wouldn't be happy with what we've got in our hands.

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I have to tell you, this government and these members love to talk about fewer taxes and less government. That was part of their Common Sense Revolution. I tell you, the corporations certainly benefit from this government, because most recently they have given away \$5 billion to the corporate sector—\$5 billion of your money, good people of Ontario. "We have a good economy," say the Tories. So I naturally say, if we have such a great economy, why are you giving \$5 billion away to the corporate sector? Please ask them, when you meet some of these fine people in your ridings, why they're giving away the money. In a good economy, when we have more money than we need, literally, you are giving \$5 billion of our money away to the corporate sector. You've got to ask them, when you go meet them. Please, go to their offices and chat with them. There is less government for the corporate sector and more money

back. Don't you love it, John? I know you do, because you and your corporate buddies are like one, colluded together, literally glued together.

So what do we have? We have more centralized government for teachers and the educational system than I have ever seen before and less government for guess who? The corporate sector. Ain't that grand? Isn't that a beautiful thing? It's like a dream made in heaven for the corporate sector to have these guys. The Common Sense Revolution says: "Less government. We're going to get off your back." Oh, is that what they mean in Walkerton: "Less government. We're getting off your back"? Because I've got to tell you, that's what less government means to the people of Walkerton. And a whole lot of other communities are worried about what you mean by less government, because it means two things: the firing of thousands of civil servants, which you call waste; and the other is less regulation for the environment. Less regulation for the environment, more regulation for teachers, less regulation for the corporate sector; good people of Ontario who like this government, how do you like it so far?

I tell you, when Harris says, "Yes, we admit we fired hundreds, perhaps thousands, of civil servants, but that surely hasn't affected the quality of the work," can you believe that? It's nuts. He's the Premier of Ontario saying stuff like that. It's like he's saying a soccer team can be played with five players and it won't affect the game. Do you get it? Or a hockey team, where you need six players on the ice but Mike Harris says, "Yes, it's true, we have taken three players away from the rink, people who are playing at the time, but it won't affect the quality of the game." That's what he's saying. He's saying: "Good people of Walkerton, don't you worry your little heads, please. We are sorry, yes, for the tragedy, but to think that somehow privatizing the testing of water and firing thousands of workers from the Ministry of the Environment, to think there's a connection would be silly." Because he read Mr Silly, you remember.

We've got a serious problem on our hands. I have to tell you, I'm worried about a Premier and a minister who are—

Mr John Hastings (Etobicoke North): Where does worry get you?

Mr Marchese: You are worrying me. You're not just worrying me; you're worrying all of Ontario. That's why I raise the issue of Walkerton, as a way of establishing that less government is not good for humans. It isn't good for Ontarians at all. It means less regulation, meaning we have no watchdogs to watch, in the instance of Walkerton, to keep an eye on the drinking water that we rely on. There's nobody home. That's worrisome.

I know the people of Ontario are worried and I'm trying to establish a connection in terms of what the Common Sense Revolution said and the effects of those cuts, the effects of less government on the population. Yes, getting off your back all right, but how do you like it so far if you're living in Walkerton? I tell you, if I was living there I would be livid. I would be angry as hell and

I wouldn't be taking it. I can't imagine what those victims are suffering, but I tell you it is tragic to the extreme. The best thing that M. Harris could have done was to say, "I'm sorry," when he went there last week, I think it was. "We take responsibility for this and, yes, the cuts we made are directly connected to this tragedy, but we won't ever let it happen again." Had he said that, he might have been able to save himself a little bit, but he didn't. Yes, the people of Ontario have a lot to say and have a lot to worry about.

You remember first they went after the boards of education and they said: "There are too many. We've got to amalgamate. Amalgamation is good." In Sault Ste Marie, Sudbury and Toronto, we created boards that are bigger than some countries in the world. How can trustees get around to seeing the schools and the parents of those areas? How do they do it? They don't; it stops. They amalgamated boards of education at a tremendous cost and then they went after trustees because trustees were just too political and we have to do something about that. So what do we do? We make sure that they are not anywhere long enough in any school or school board for them to learn what it takes to run a school system. We give them \$5,000 and no more for their remuneration so as to keep trustees ignorant and to keep them servants of this government, servants of members like Mr Tascona, in whose riding we're going to get these hearings on the way. What we have is servitude these days. That is what we are experiencing and that is what teachers are experiencing under this government.

The poor teachers, I feel bad for them. When they went after welfare recipients there was nobody there for the welfare recipients. Now that they're going after the educational system, and more directly the teachers, there's nobody there for them. They went after boards, they went after trustees, they went after the bureaucracy, and then they went after central control of the educational system. Why on earth do you think they centralized education financing if not to squeeze money out of the educational system? Why on earth would you do that if not to squeeze? That's why they did it—centralized control from Queen's Park. I don't want to say Toronto because I hate everybody hating Toronto. I hate that. Centralized from Queen's Park in the hands of M. Harris, while he's in power, and M^{me} Ecker, God forbid, while she's in power, and God willing, not for long—centralized in their hands.

Do you like it? Taking away all of the control from boards of education, where boards and trustees no longer have any power, have no say over anything? Is that what you people of Ontario want? I don't believe you do, but that's what they've done. They've taken education financing out of the hands of trustees—no more flexibility to be able to deal with problems in your area. You've got refugees coming into your area? Tough luck. The minister isn't there to help out. You've got poverty in your cities across Ontario? Tough luck. You ain't gonna get the flexibility you need to respond to that. You've got boards bigger than some countries in Europe? Tough

luck if you're trying to connect to the parents and you are unable to have a communications plan with the parents because it's so big that even if you wanted to, parents cannot be actively involved. It's pitiful.

1730

And then we got Bill 74. There's so much else. We had curriculum changes they introduced, curriculum changes without any support, drastic curriculum changes without any support to the teachers. I suppose they are professionals and will manage. Normally in the past, governments helped out when they made drastic changes. This government? No siree. You're on your own, teachers, and if by some mishap you are not doing the job as well as you would like and it affects the quality of education, well, it's tough luck, I guess.

We had the code introduced today. Unfortunately, I was doing the Rhonda London show near Hamilton, so I couldn't be here to respond, but here's another piece of work. This is the law-and-order government. We had the code of behaviour introduced in 1994, a more comprehensive and intelligent piece, I think, a code that permitted teachers and the school system to treat students as human beings rather than as animals that need to be punished and need to be booted out of the educational system. These people are fond of law-and-order issues, where a code of conduct is introduced on the basis of creating an impression that only Mike Harris is able to deal with those tough, tough, tough bullies like himself. Only he can do it. Only he can be a bully. I wonder whether the code of conduct will apply to Mr Harris in the last couple of weeks, in terms of the remarks he made in this House. I don't think it will.

This code of conduct is designed to create the impression that they are going to be tough on the students, on those miscreants out there who need to be caged, and if not caged, at least thrown out. Who will deal with them? God only knows. But they'll come back into the educational system and somebody will have to deal with them, presumably the teachers again.

The code of behaviour introduced by the New Democrats was a more intelligent piece of work, and more comprehensive because it permitted teachers to do a whole range of activities that treated students with respect, that treated students who had problems with a sense of a process on how to deal with that behaviour as a way of correcting it so that when they come back into the classroom they can teach them again, rather than booting them out.

Creating that wonderful impression to the public out there that this government is going to set things straight, is going to set these boys and girls straight, they introduced the Parental Responsibility Act with the impression that this bill will be tough on those young boys and girls who would commit a crime against property with a \$6,000 fine that a person can go to court and seek damage from. But they won't tell you that the bill that we have in place, particularly section 68, deals particularly with this matter and gives more power to people to seek retribution from an individual who may have caused

them physical and/or personal harm. It even goes further than physical damage to a building or a structure. It goes even to seeking money for damage costs to the person. The present bill that we have in place is stronger than the one they introduced. The lawyers know, or ought to know, and if they are articulating a different position, I tell you, don't seek them out as lawyers, because they're no good to you. This law is presented on the basis of giving the impression that they are tough on law and order, and it's nothing like it. What we have is better than what they've introduced, repackaged, but packaged in a way that says Mike Harris is tough. "We'll fix the problem." Scary stuff.

Is this the kind of government you want to lead you, a government that says, "We've got a problem. We'll fix it. We'll boot him out," versus saying, "We've got a problem. How do we help that individual?" That's what I would love of a system or a teacher if I had a problem.

Bill 74 is introduced and it says that teachers who used to do volunteer work after school will no longer be able to volunteer, because they will be conscripted to do it. I call that servitude. I call that changing labour relations. I call that changing the rules unilaterally.

Mrs Brenda Elliott (Guelph-Wellington): Come on.

Mr Marchese: The members say, "Come on," but I don't quite understand "Come on," as if somehow I'm saying something that they either don't understand or they disagree with.

Mrs Elliott: You know they can still volunteer. You know that 99% of them volunteer.

Mr Marchese: A former minister says what I was about to say: "You know that 99% of the people volunteered." Indeed they did. Why in God's name, good people of Ontario watching, if people are doing it voluntarily, would you then conscript them to do it, then tell them, "Sorry, we know you're doing it voluntarily, but we don't like that; we're going to force you to do it"? It's dumb. It's nuts. It's stupid. You've got to wonder who is leading this province. "Sorry, we know you've been doing it voluntarily, but we don't like it; we want you to do it by force."

Speaker, you understand my situation. You understand what I'm trying to express.

Mr Galt: We sure do.

Mr Marchese: Sure you do, Doug, because it's stupid to the ultimate degree.

Mr Hastings: Rosie, you're so hurtful.

Mr Marchese: I need to be hurtful so as to reach you, because you don't want the good public to understand. You don't want people to be thinking about these issues. You want to make sure they feel the issues, not that they understand them. So we take the time to say to people, "You gotta think something is nutty over there when someone has been doing it for a hell of a long time, with goodwill, with passion, with desire, but now they say, 'You can't do it voluntarily any more.'"

They're changing the rules.

Mrs Elliott: No.

Mr Marchese: Sorry—is there something I'm not communicating very well? Help me. Say something so that I can rebut in a way that is perhaps intelligible to you. But here I go again trying to communicate with the enemy when the people I want to talk to are the people watching this parliamentary channel. We are on live, and those are the people I'm talking to. Here I am being dragged into a discussion by members that I consider to be a bit—

Interjections.

Mr Marchese: There's another matter. In fact, one of the parents on the Rhonda London show called in, saying she thought parents should do the after-school activity, even though she says it's working well at her school. I thought, OK, this is interesting. It's working well in her school, but she thinks they should be doing it. My point is, if they are doing it, what is your problem? I couldn't understand it. Is she perhaps suggesting that more teachers volunteer more of their time to do other activities? Perhaps. Maybe that's what she was saying. And is she then saying that if people are voluntarily doing football, let us say as an example—and my son has played on the football team. I went to watch him a couple of times.

Mr Tascona: Soccer.

Mr Marchese: Soccer. I love soccer; you're quite right. But he's playing football. These people put in hours and hours of work after school, a dedicated group of people doing it voluntarily, taking time from their lives, taking time away from their homes, their spouses and their children, to do something they are voluntarily doing out of love. OK. So we want more of them? I don't know that we need 10 or 12 football coaches; I'm not sure that's what we're looking for. We have one already. There's a chess club. We have a teacher who is interested in chess and who is doing chess. What are we missing here? If people are doing it at the moment, what drives us to say they should be doing it by force? We're not looking for more people to participate, because the ones who are doing it are doing it freely.

Mrs Elliott: And will continue to do so.

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Mr Marchese: "And will continue to do so," says the former minister, except you are now forcing them to do it and you've changed the law, which says that activity is no longer free. "You are now, without benefit of any extra remuneration, obliged to do it, and if you don't do it, we consider it a strike. And then, therefore, we can take action against you as a teacher should you refuse to do it."

Voluntary activity is conscripted activity now, with consequences should they not be doing it, including possible dismissal. If you're on strike, the minister, through the board, will take action that is necessary against that teacher.

I've got to tell you, poor young principals—all the senior ones are gone. After all the decimation of the education system and taking the principals out of the federation, most of the principals have left, to the extent

that we only have very inexperienced young people in that profession. Do you think they're looking for such a power? No. Teachers weren't looking for the power to expel either or to suspend.

But the minister and these other types over there say, "We've consulted the teachers and we talked to them." Good God, what teachers are you talking to? The majority of teachers who responded most recently to their most hated individual, Earl Manners, in the polling they've done, are opposed to what this government is doing: 94%. So which couple of people are they talking to? It's a fictitious teacher. They've invented these consultations with the teachers.

The Toronto Star says—

Interjection.

Mr Marchese: I know, it's the Toronto Star; a good Liberal paper, I know. Bear them out briefly. "Bill 74 is an unprecedented attack on basic legal protections that are supposed to apply to everyone."

What else can they be when after-school duties are mandatory "on school days and on days during the school year that are not school days; during any part of any day during the school year; on school premises and elsewhere"? That's the language contained in Bill 74, this fine piece of work right here. This dictum would override any applicable provision on restrictions in a collective agreement. Collective agreements are irrelevant now, according to this bill. If the government can override teachers' contracts at will, what is the meaning of the sanctity of any contract?

It declares that judges cannot serve certain orders without Education Minister Janet Ecker's permission. The bill says, for example, that a teachers' bargaining unit or members of that unit can be changed without teachers having any say. This is union busting of a new order. You remember the union bosses, individualized teachers?

This bill, in other words, makes Ecker a law unto herself, able to investigate school boards if she has concerns and punish them if she is of the opinion there is evidence—not fact—of disobedience. How much democracy is left in the education system? There is none. They virtually have taken every power away from boards. There is nothing they can negotiate with teachers any longer. There is literally nothing left except money, but there is no money. Boards are left dry. There is no money. How can you negotiate literally the last thing that's left for boards and teachers to negotiate?

Mr Peters: They can close the schools, though. That's what the government wants.

Mr Marchese: They can close the schools. They've closed them good and forever in Toronto, outside Sault Ste Marie. In all of our rural communities they're closing them up like you wouldn't believe, these fine Tories from these fine rural areas. That's the kind of system, that's the kind of government we've got. What democracy do we have left?

Teachers are leaving the system, and I haven't heard a Tory chuckle yet. They're leaving the system. The US,

which used to underpay teachers—they used to pay about \$18,000, \$20,000 American, 10 years ago even, in a country that should be overpaying their teachers by who knows how much—is turning it around. They're paying their teachers well because they need them and they want to keep them.

What are we in Ontario doing? We're sending them away. We had a system that was relatively good, and they are breaking it to the point that the teachers are so demoralized that they are leaving in droves, and they will leave for jurisdictions where they will be respected and well paid. We have lost the respect of the teaching profession, people we rely on to teach our kids. We rely on them, yet we force them to teach an extra period every day. That's what Bill 74 does. Changing the definition of instructional time means that boards and teachers cannot any longer negotiate any agreement that suits the interests of students and teachers. They've changed it so "instructional time" now says, "You will teach an extra period." That's not contact time with students; that's more time teaching more students, meaning fewer teachers are needed, meaning a lot of teachers are fired as a result. Then we bring them back, saying, "We're reducing class size," because they know the facts on class size say that it has gone up at the elementary level and that it's gone up at the secondary level as well, in spite of the stupid rhetoric of this government.

Teacher Liz Laporte says:

"I am a teacher with the Greater Essex County District School Board. I have been teaching for nearly 15 years. Up until recently, I have been able to overlook many of the frustrations of working for a government that demoralizes teachers. I now go to sleep at night feeling sick about the prospect of spending the next 15 years struggling to maintain my dignity while doing the job I love so much. Our government's announcement that it is making my extracurricular activities mandatory is beyond insulting.

"I regularly volunteer in a variety of ways to ensure all students in my class receive the best education possible. I contribute to the entire school's activities and I'm involved in the community in which I teach."

I have four other letters that I will not be able to read, but the feeling is the same. These are the people we rely on to teach our students, the people we rely on to build our future, and yet we are treating them in such a way that they are not able to teach in a way that brings about the quality they are seeking in the system.

You are destroying the education system. Your constant cuts remove any hope of providing quality education. On a daily basis we hear of dirty classrooms, schools with fewer maintenance workers and secretaries, schools sharing principals, special education students being sent home, long bus rides on dangerous winter roads, a school system threatened once again with instability. And in the end, who suffers? The teachers. In the end who suffers are the students we pretend we are helping by bringing about greater quality in the education system.

You, good people of Ontario, if you value democracy, you've got to make them accountable. You've got to go to their offices and say, "We want to see this bill and we want to speak to this bill and we want more than one-half day in Barrie and more than one day in Ottawa. We need you to hold yourselves accountable in the way you hold everyone else accountable." We have an accountability deficit that you are perpetrating on the public. Democracy means, "I want my say, and I'm not getting it." If you don't demand that, you'll get what they give you.

The Acting Speaker: Mr Klees has moved notice of motion number 51. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my view, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Coburn, Brian
Dunlop, Garfield

Hardeman, Ernie
Hastings, John
Hodgson, Chris
Jackson, Cameron
Johnson, Bert
Kells, Morley
Klees, Frank
Marland, Margaret

O'Toole, John
Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary

Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Guzzo, Garry J.

Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Munro, Julia
Murdoch, Bill
Mushinski, Marilyn
Newman, Dan

Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Turnbull, David
Wilson, Jim
Young, David

The Acting Speaker: All those opposed will rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Brown, Michael A.
Bryant, Michael
Caplan, David
Churley, Marilyn
Colle, Mike
Crozier, Bruce

Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Gravelle, Michael
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David

Marchese, Rosario
McLeod, Lyn
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 44; the nays are 31.

The Acting Speaker: I declare the motion carried.

It being after 6 of the clock, this House stands adjourned until tomorrow morning at 10 of the clock.

The House adjourned at 1802.

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No. 65

N° 65

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 1 June 2000

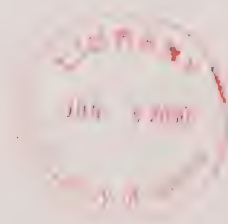
Jeudi 1^{er} juin 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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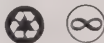
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 1 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 1^{er} juin 2000

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

OAK RIDGES MORaine GREEN PLANNING ACT, 2000

LOI DE 2000 SUR L'AMÉNAGEMENT ÉCOLOGIQUE DE LA MORaine D'OAK RIDGES

Ms Martel moved second reading of the following bill:

Bill 71, An Act to freeze development on the Oak Ridges Moraine and to amend the Planning Act to increase and strengthen the protection of natural areas across Ontario/ Projet de loi 71, Loi imposant un moratoire sur les aménagements dans la moraine d'Oak Ridges et modifiant la Loi sur l'aménagement du territoire de manière à accroître et à renforcer la protection des sites naturels partout en Ontario.

Ms Shelley Martel (Nickel Belt): I am pleased today to have the opportunity to move second reading of Bill 71. I note that discussion of this important issue today occurs at a time when, first, the Ontario Municipal Board case involving Richmond Hill and the developers has just begun; second, that members from both the Liberal and Conservative parties have also put forward private members' bills to deal with protection of this very important area, and I think that speaks to a serious concern which now cuts across all party lines; third, that the public concern about clean, safe and healthy drinking water has been enormously heightened by the recent very tragic events in Walkerton. I raise that in light of the moraine since much of its significance also focuses on water. I believe the bill is very relevant to events which are unfolding now and, given the incredible public interest that is occurring with respect to the moraine, it's important that we have that debate in this House.

I'd like to begin by reinforcing the importance of the Oak Ridges moraine and what the bill does to protect the moraine, and second, how through Bill 71 New Democrats would incorporate green planning in other parts of Ontario too.

First the significance of the moraine: The moraine is the largest in Canada. It stretches some 160 kilometres, from the Niagara Escarpment in the west to the Trent River in the east. It stands out as one of the most

significant green corridors in southern Ontario. More than 30 of the rivers that drain into Lake Simcoe and Lake Ontario, including the Humber, the Don, the Rouge and many others, have their headwaters in the moraine.

It holds immense aquifers which provide municipal drinking water for more than 10 communities, including Aurora and Newmarket. It is home to thousands of wetlands, including kettle lakes, kettle bogs, cedar swamps and ponds, large tracts of upland forest, sandy plains, extensive meadows and even tall grass prairie. There are some 130 bird species that breed on the moraine and another 60 migratory species that pass through.

It is a rich natural heritage area, and its importance as a significant and sensitive landform in Ontario has been very publicly recognized—again, most recently on February 1, when some 450 scientists in the fields of earth and life sciences came together to call on the government to implement their six-point action plan to protect the Oak Ridges moraine.

There is no legitimate, reasonable argument which can be made to undermine either the environmental or the ecological significance of the Oak Ridges moraine, but these facts seem to be of little importance to a number of developers who continue to push for tremendous development on the moraine. There are some 20 applications that are now under review. We have the OMB case which is underway, and the case itself clearly shows what happened and what I think will regrettably continue to happen unless we have some consistent, comprehensive planning that emphasizes strong protection policies applied to those parts of the eight regions and counties and the 26 municipalities that lie within the moraine.

This government has a leadership role to play in the protection of the moraine. I can't emphasize that enough. The Minister of Municipal Affairs and Housing cannot continue to pretend that the municipalities have the tools themselves to do the job that is necessary. I think the Richmond Hill OMB hearing demonstrates that. Second, the Minister of Municipal Affairs cannot continue to slough off his responsibility on to those municipalities, the counties and regions which lie within or border on the moraine. Bill 71 would force the government to act, to stop the haphazard development on the moraine and to implement a long-term strategy for land use in this important area.

Bill 71 imposes a development freeze on the Oak Ridges moraine until the government issues a policy statement under the Planning Act which will direct how the moraine will be dealt with in the long term. This

statement could well be based on the Oak Ridges Moraine Area Strategy for the Greater Toronto Area, 1994, since it's clear that so much work was done through that process to provide for an ecological approach to management of the moraine. But since that was also done in 1994, there may well be a reason to update much of that work that was done as well.

The bill defines the moraine as the land which was identified in the 1994 Oak Ridges moraine strategy. It further provides that the Minister of Municipal Affairs may make an order designating other land outside of the greater Toronto area, which is also part of the geological feature known as the Oak Ridges moraine, to be included as well. That would ensure that the policy statement and the controls and protection it affords will also be applied to all of the area which is significant.

Further, Bill 71 amends the Planning Act, section 3, to make it clear that decision-makers and municipal councils, local boards, planning boards, ministries, agencies, boards and commissions of the government, including the Ontario Municipal Board, and cabinet ministers themselves must guarantee the decisions which are made involving planning matters "shall be consistent ... with policy statements issued" by the provincial government.

It will not be good enough any longer for those same decision-makers only to have regard to the policy statements when land use planning decisions are being made. Provincial policy would have to figure prominently in municipal planning decisions and in the decisions made by the Ontario Municipal Board in land use planning appeals. This would effectively end adoption of official plans and amendments which differ from provincial policy; it would strengthen the position of municipal councils trying to protect land in the face of intense development lobbying; and finally, it would give clear direction to the OMB when dealing with appeals.

The bill also establishes an intervener funding program to assist those who wish to participate in the OMB process. Decisions about funding would be made by an independent decision-maker and would be sufficient to pay for research, professional supports and legal expenses.

While Bill 71 provides a solution to the immediate crisis facing the Oak Ridges moraine, in light of the OMB hearing underway and the 20 other development applications which are lined up, the bill goes further in an attempt to head off what has proven to be a very costly, confrontational protection versus urban development battle now in place in the moraine, but which could reoccur very easily elsewhere in Ontario. So the bill implements good greening and good green planning right across the province.

1010

Two schedules which appear in Bill 71 would be added to the Planning Act. The first schedule outlines where and how development would occur in relation to headwaters, aquifers, groundwater recharge areas, natural heritage features, areas of natural and scientific interest etc. The schedule deals with protection of significant fish

and wildlife habitat, natural corridors and links and maintenance of indigenous natural systems.

The second schedule makes it clear that provincially significant wetlands shall be protected, that other wetlands should be protected and that environmental impact studies will be required by proponents who propose to develop near wetlands. The schedule also deals at great length with how intensification or new development will occur in or near municipalities or in rural areas near municipalities. Inclusion of the schedules in the Planning Act would clearly describe how development would occur and would strengthen protection of those same features which are at the heart of the moraine battle in other communities across Ontario as well.

As with the case of the policy statements where decision-makers must make decisions that shall be consistent with provincial policy, the same applies to the requirements of the two schedules. Planning decisions shall be consistent with the two schedules too.

This Legislature has an opportunity to end the current crisis on the Oak Ridges moraine: first, by imposing a development freeze, and second, by having this provincial government provide a leadership role in protecting this sensitive and significant land form, by forcing it to issue a policy statement under the Planning Act, which would guide and control land use planning on the moraine in the future.

I would argue that today not only do we have an opportunity to do this, but frankly, we have a responsibility to do so as well, to protect an area which has already been identified as having provincial significance. Further, to try and avoid a repetition of the crises on the moraine, we need to adopt green planning elsewhere in Ontario to strengthen and protect other significant natural areas, wetlands, fish and wildlife habitats, natural corridors, lake, river, and stream shorelines, ravines, ground water recharge areas, headwaters, aquifers etc.

I ask all MPPs today for their support of Bill 71 so that we can get passage at second reading and we can have it referred to the committee for public hearings. I believe there is tremendous public interest in the Oak Ridges moraine right now. It's time we had some of that interest demonstrated in this House, and the way we can do that is by taking one of the bills that refer to the moraine, getting it into committee and having a full debate about how we protect this very important area.

Mr Steve Gilchrist (Scarborough East): It's indeed my pleasure to rise today to express my very strong support for this bill. I think the member from Nickel Belt was quite correct in her observation that given that members from all three parties have introduced private members' bills on this issue—something that is probably unprecedented in this chamber—there is a clear recognition on both sides of the House that there are problems, that there is a need to find a solution, that the Oak Ridges moraine, as just one element of our natural heritage, must be protected for future generations. There is some overlap in the bills that each of three members has presented,

but Ms Martel's bill does have a number of elements that are unique.

I want to congratulate her for the overall premise behind her bill, with the starting point that there be a freeze on development. It is sophistry at its worst to suggest that we can look at the 1994 strategy, we can look at policy or planning statements, we can look at any number of tools, but only at some point down the road, weeks, months, years down the road. In the meantime, we stand to lose incredibly valuable farmland, incredibly valuable wetland, natural resources that will be irreplaceable if lost to inappropriate development. There is no turning back the clock if we don't stop development now while we apply the collective wisdom in this chamber, the collective wisdom of the scientists, the Ministry of Natural Resources, and every other resource we can bring to bear on this very important issue.

I don't believe it will take years to distill down a policy statement, to come to some conclusion about what should or should not be the long-term future of the moraine. Most of that work has been done. We've seen a map published by the Ministry of Municipal Affairs that already shows the aggregate of the research done by the Ministry of Natural Resources to date, and I think with only a little bit of fine-tuning, we are almost there in terms of having a clear picture of what parts of the moraine must be protected, and where some development may be allowed. No one—at least no one on this side—has ever said “no development anywhere in the greater Toronto area,” but when you recognize that 48% of Richmond Hill, for example, falls on the moraine, clearly we have an obligation in municipalities like that to make a distinction between the moraine lands and lands which may be infinitely more appropriate for development.

We may very well hear in debate that there are specific clauses in Ms Martel's bill which are troublesome. That's to be expected. In the five years I've been here, I don't think I've seen a single statute, whether it's a government bill or a private member's bill, that didn't have some fine tuning, that didn't need corrections when it goes to committee. It is utter fraud to stand here and suggest that a bill should be thrown out because you disagree with one clause, one word, one line, at this stage of the proceedings. The place to make those changes is in committee. It is only when it comes back for third reading that we have to judge the bill as a package.

I stand here right now and offer to the member for Nickel Belt that there are things in her bill I would like to see changed. In some cases I think she brings in issues that are tangential to the moraine. I'm sure they're important to the member, but I think they may open a wedge and take us off the focus of the pure protection of this important element of our natural heritage. On the other hand, I think there are opportunities to more concretely build in elements from the 1994 Oak Ridges moraine strategy and the work done by MNR to beef up the policy statement that she's talking about. So when I talk about the changes that can be made in committee, it

isn't just watering down; it's actually strengthening elements of this bill.

There are tools available to all levels of government in dealing with the moraine. I've raised the issue with members of the Senate, and I'm pleased to say that questions have been posed there to the counterpart, Ms Copps, to make sure the federal government is on notice that if they're prepared to stick their nose into the Red Hill Creek Expressway, a project that is infinitesimal in relation to the 160-kilometre length of the Oak Ridges moraine, why in blazes is Sheila Copps not prepared to take the same steps and protect the Oak Ridges moraine? At the same time, I say categorically to my colleagues on both sides, we cannot let the municipalities off the hook. There are powers under the Development Charges Act to literally price the Oak Ridges moraine land out of touch. There are powers under section 37 of the Planning Act to guarantee that other lands would be infinitely more attractive to developers.

All three levels of government must work together on this project. It transcends partisan politics. It transcends the normal power trip that each level of government might be accused of being on. This must be a collective effort. We have seen extraordinary co-operation among the three parties so far in this Legislature. We have seen a coincidence of ideas.

I believe that Ms Martel's bill is worthy of support. I believe it is appropriate that we freeze development until we put in place a long-term strategy, and I believe it's appropriate for members on both sides of this House to support the bill at second reading. Make the changes you want at committee, if that's appropriate, and then let's get on with the task of saving this important element of our natural heritage for future generations.

Mr Mike Colle (Eglinton-Lawrence): It certainly is very refreshing to hear members on both sides of the House supporting a call for a freeze on development on the moraine, which this bill puts forward. I am urging everybody on this side of the House to support Bill 71, Ms Martel's bill. It makes eminent sense, because almost everybody who lives on the moraine or off the moraine agrees unanimously that the moraine should be protected. There should be a freeze on development immediately. The only people who disagree with the immediate freeze on development are the developers who own land on the moraine—even some developers believe in the freeze—and this government. Those are the only two voices against doing the right thing in the moraine.

1020

What we need here today is to recognize that, ultimately, this moraine relates directly to the drinking water of over 400,000 people who live in the moraine area. Some 465 scientists have categorically said that if you don't step in, if the provincial government doesn't step in and protect the moraine, you're endangering the drinking water of over 400,000 people who directly rely on well water or water from the aquifers in the moraine. As you know, the moraine is a giant rain barrel. As the rain barrel of southern Ontario, it provides drinking water

directly for 400,000 people, and, indirectly, it provides clean water in the 65 rivers and streams that flow north to Lake Simcoe and south to Lake Ontario. Everywhere from the Ganaraska to the Credit to the Humber, the Don, the Rouge, we rely on the moraine to basically act as a filter and regenerate water that goes into these rivers and streams and ends up in Lake Simcoe and Lake Ontario.

So five million people are directly affected, and the 465 scientists, along with the Federation of Ontario Naturalists, categorically put this government on notice in saying that if you don't stop this reckless development on the moraine, you are going to jeopardize the ability of the moraine to regenerate and to filter and clean the water that people depend upon. They've been put on notice by the scientists that came here, right in this Legislature. It's very categorical.

We don't want to be talking about what the Senate should do, what municipalities should do. This is clearly the responsibility of this provincial government, and they can't pass the buck and blame municipalities or the Senate of this country. It is their job under the Planning Act, constitutionally, to step in and plan areas and protect areas through the planning process.

As you know, this government has basically weakened the planning processes to where the developers have received more and more power. As Ms Martel mentioned, as a result of changes made by the Harris government, the Ontario Municipal Board has excessive powers now, where developers don't even have to listen to local councils or ratepayers. They can leapfrog over ratepayers and councils and go directly to the Ontario Municipal Board, where they pay big money and get their decisions approved like a rubber stamp on most occasions.

That's why I go on record again in saying that ultimately we need two things here: We need this government to do its job and put in protective planning. It has neglected to do that. All it relies upon are interim measures going back to 1991 that aren't worth the paper they were written on because they were interim and temporary. Secondly, what the government has got to do by putting in proper planning is take away those powers from the unelected, unaccountable members of the Ontario Municipal Board. As I've said in many meetings in Ballantrae, in Caledon, in Cobourg, I personally favour the abolition of the Ontario Municipal Board. Let people tell me why we shouldn't abolish the Ontario Municipal Board. It is of no value to protecting the moraine. In fact, it is the enemy of the moraine. It is not directly the OMB's fault, but the government, by basically stepping back and refusing to do its job, has said, "Well, let the OMB decide."

It's interesting that this government, through certain proposals—I call them the placebo proposals. As you know, this government knows and the members who represent the moraine know that there's unanimous support for a freeze on development on the moraine, unanimous support to protect the water on the moraine. The members across the aisle who represent the moraine know that, yet they have done nothing to protect it. Now they are trying to pretend they're trying to do something.

A couple of weeks ago they issued a map, saying, "Look at this map," and you saw the newspaper headlines saying "Moraine Protected." That is not true. That map relates to 1% of the moraine in the Yonge Street area. Don't believe that map, because the map doesn't have a ministerial zoning order behind it. It's worthless without the minister intervening and freezing development behind the map, and it's only 1%. The moraine is not just Richmond Hill. The moraine stretches from the Niagara Escarpment all the way to the Northumberland forest, to the plains of Rice Lake and Peterborough. It's 160 to 180 kilometres long, over 200,000 hectares. It is not just that spot on the map. So don't be fooled by those placebo maps that say that this is saved. It is not saved.

This government is going to try and make you think they're saving it. They are not. You know where the truth is? It's in an unprecedented, outrageous letter signed by three ministers of the crown on May 29, just the other day; signed by Minister Clement, Minister Snobelen and Minister Newman, all three of whom have been charged to protect the moraine. As you know, there were environmental groups and citizens who asked these three ministers, through the Environmental Bill of Rights, to review existing legislation and review the need for new and more policies to protect the moraine. This is a request on the Environmental Bill of Rights.

Sadly, the three ministers responded, when they know that it's their duty to protect the moraine—here's their line in this outrageous letter: "We believe the guidelines, policy and legislation comprising the current land use planning system in Ontario provides that protection." Absurd. "Since this sound provincial and municipal framework of policy, guidelines and legislation exists, each of us does not believe that a further review is warranted." Signed by the three ministers charged with protecting the moraine. This was May 29. That's where this government stands. They are totally opposed to doing their job to protect the water, the wildlife, the forests, to protect communities.

Do you what they're doing? They are leaving communities at the mercy of the Ontario Municipal Board, which is a rubber stamp for developers. They are pretending that at the Ontario Municipal Board they are defending the moraine. This government is pretending. We don't need a government that pretends they're doing something. We need a government that does its job.

The people who live in Oak Ridges or the people who live in Goodwood want this government to step in and freeze development on the moraine today. You don't even need legislation. Minister Clement can stand up in this House today and order a ministerial order to freeze development today and get rid of this waste of millions of dollars. About \$15 million is going to be wasted at the Ontario Municipal Board in paying for high-priced Bay Street lawyers and consultants to basically thwart the will of all the people who want to stop development on the moraine.

There's no one who wants development to go on the moraine except the members of this government and the

developers who have a direct personal stake in it. That is outrageous, especially in light of the fact that we know that not only is this going to continue to cost millions and billions of dollars in unmitigated sprawl throughout the 905, through greater Toronto, it is going to endanger the water that people depend upon. That's what they're willing to risk at the OMB. The OMB should not be charged with protecting this precious natural masterpiece. It's disgusting that this government pretends that the OMB is charged with that responsibility. They are not. You, the government, are charged with that responsibility.

This private member's bill is great. We support it. Mr Gilchrist has a private member's bill. We support it. I have had my private member's bill since last November. We support that. But I tell everybody out there, we need more than private members' bills. We need more than placebos, more than 1% maps. We need this government to do its job and freeze development on the moraine, protect the water and listen to the five million people who depend on the moraine for their water, for their future sustainability. We need the government to listen to them and act on their direction, which is to freeze development on the moraine today and bring in a comprehensive plan that will last for centuries, not just leave it to the will of the unelected, unaccountable, disgusting Ontario Municipal Board.

I'll share my time with Mr Bryant from St Paul's.

1030

The Acting Speaker (Mr Michael A. Brown): Further debate?

Mr Michael Bryant (St Paul's): Thank you, Mr Speaker. I'm proud to follow the member—

The Acting Speaker: It goes in rotation, so we'll just see here. Further debate?

The member for St Paul's.

Mr Bryant: I'm proud to follow the member for Eglinton-Lawrence. Mike Colle has been fighting an epic battle to try to save and not pave the moraine. Interestingly, one of my predecessors in St Paul's, in one of its previous incarnations as St Andrew-St Patrick, the member Ron Kanter, in 1991 issued a report which began the strategy that was supposed to do something about saving the moraine. At the time, Mr Kanter entered the report calling on the province to declare a general expression of provincial interest for the Oak Ridges moraine area. It was supposed to be the first step. A strategy from there unfolded and unfortunately neither the NDP government of the day during the 1990s nor this government has done anything to protect the moraine.

In October last year, the official opposition called for an unequivocal freeze on the development of the moraine. Mike Colle introduced Bill 12, the Oak Ridges Moraine Protection and Preservation Act. It would establish a commission, modelled after the Niagara Escarpment Commission, working with local residents and with the municipal leaders to develop and implement a plan for protecting the area.

I cannot emphasize enough how important this issue is for the constituents of St Paul's. We get a tremendous

number of calls into our constituency office from people expressing their outrage over the development of the moraine. They do it first out of a general concern for the environment, but they also do it out of a real, direct concern about what's happening to the water that comes out of their taps. We're all affected here in the GTA, and our province will be affected by what happens to the moraine.

It has been said before that the moraine is like a giant sponge. It literally soaks up the rain and snow and sends them through the underground aquifers, directly to about half a million Ontarians. It's the upstream for I think 20 rivers in the GTA area, so we're all being affected by the moraine.

At this time in which our environment is under siege as a result of omissions and culpable commissions of the government of Ontario, who could argue against freezing the development of the moraine? Who could argue against the bill that is on for debate today? Who could argue against Bill 12, Mike Colle's bill? As was said by the member for Nickel Belt, there is tremendous public interest in this issue and in freezing the moraine.

Here are some of the things that the constituents of St Paul's have said. A professor wrote to Premier Harris:

"Along with many others in Ontario, I continue to be very concerned about development on the Oak Ridges Moraine. I hope that your government will take action in protecting the moraine ... in the first place by putting a brake on development till adequate, careful provincial planning can be done to assess the long-term effect of development." Who could argue against that?

Another fax sent in to me: "I would like to know how it is that politicians feel free to hand over such an important feature like the Oak Ridges moraine to developers.... The moraine must be protected in perpetuity."

I can assure this writer that politicians are not handing over this important feature, the moraine, to developers. The government of Ontario is. They're hiding behind the Ontario Municipal Board, which is unaccountable. They are accountable to the people of Ontario and are responsible for protecting our environment, and it will lie at their feet when the environmental disasters ensue while they are hiding behind the Ontario Municipal Board, doing nothing and permitting the development to take place.

It's a disgrace. We'll support this bill.

Hon Frank Klees (Minister without Portfolio): I am pleased to speak to this bill this morning. I think what's important is that it's very difficult on an issue like this to focus on the facts and separate what is rhetoric and what is perhaps politically expedient and what is the right thing to do, not only in the circumstance of the moraine but also in the interest of how we do planning across this province.

No one feels more strongly about this issue than I. I have the privilege of representing the riding of Oak Ridges, and the two issues that are before the Ontario Municipal Board to date relate to proposed developments in my own riding.

We heard so much this morning in the House about how this government doesn't care about the environment. Although we cannot speak specifically to the issues before the OMB, let me quote from today's newspaper what the lawyer on behalf of the provincial government is saying about the two development applications now. "The development applications, as proposed, do not adequately protect the environmental integrity of the moraine ... (and) environmental protection must be ensured because it is in the public interest." This was said by provincial lawyer Jyoti Zuidema before the board.

She "told the hearing that housing applications before the OMB do not meet the standards set out in provincial policy statements or those contained in 1991 guidelines that lay out a framework for moraine protection.

"That is because the land contains a unique concentration of wildlife, significant headwater zones and provides the confluence for the Rouge, Don, Humber and Holland rivers."

I have been an advocate of moving beyond what we have currently. I've been an advocate publicly for considering the implementation of the 1994 strategy as a further strengthening of provincial policy and I'll continue to do that because I believe it's the right thing to do. I'll advocate that with my caucus colleagues and my cabinet colleagues. But to hear the rhetoric opposite is, I believe, not serving well the people of this province. It's not serving well those who care deeply about the environment to represent that there is no policy, because there is; to represent that our government does not care about the environment, because clearly we do. We wouldn't be before the Ontario Municipal Board today and making representations such as we hear reported, which is very clear. It is unequivocal. It's a very strong statement about the two development applications before the board today.

At some point we have to rely on a planning process in this province. If we don't, I say to you it's a slippery slope to say that every time a decision is made by a quasi-judicial body we want political interference. In fact, it was the previous NDP government—and the member for Nickel Belt, who is bringing this bill forward today, must know this very clearly—that took away the right to appeal a decision that had been rendered by the OMB to the cabinet of this place. Why was that done? It was done because what they didn't want, and I commend them for it, was political interference in a decision that is made by a quasi-judicial body, where there are clear principles already in place and where we rely on a third-party, arm's-length process to do the right thing. I am not going to pre-judge that process today; I'm going to count on it.

If for some reason at the end of this process we feel that the provincial policy statements have not been honoured, the representations that have been made on behalf of the environment in this province, on behalf of the Oak Ridges moraine, then we will deal with that at that time. But I say to you that this government feels strongly that there is a planning process in place, that

there is a role for that planning process. It undermines a great deal of work that has been done over the years to bring guidelines to bring policy statements into place to simply play to the political objectives of the third party and of the official opposition. We won't stand for it. We will stand for the environment. We will stand for the long-term protection of the Oak Ridges moraine.

1040

I do not believe that the bill before us serves the public interest, because I believe it is untenable. I believe that we will and can work within the current framework of policy to achieve the protection of the Oak Ridges moraine. I will not be supporting this bill, because I don't believe that it is well founded and I don't believe it is in the best interests of a planning process that must honour a process that's in place in this province.

The Acting Speaker: Further debate?

Ms Marilyn Churley (Broadview-Greenwood): I just listened with interest to the whip of the Conservative caucus, who has made it clear today that, "Hey, the whip's talking here," that he's been told how to vote on this bill. So we know where this is going. There may be a few independent voices over there—

Interjections.

The Acting Speaker: Order.

Hon Mr Klees: Mr Speaker, on a point of personal privilege: I take my position in this place very clearly. This is private members' hour. I highly resent the implication of the member opposite that I have been told how to speak to this issue. I ask the member to withdraw.

The Acting Speaker: That is not a point of privilege.

Interjections.

Ms Churley: First of all, I would say to the government members to shut their mouths and listen to what I have to say about the Oak Ridges moraine. Before the Tory party whip over there got up and spoke, and talked about third party rhetoric and political posturing, I was quite prepared to give as non-partisan a speech as I could today in this House to get this bill passed, because I believe that the protection of the Oak Ridges moraine goes beyond any party politics in this place. You talk about party politics. You got up there and made it very clear that you've come up with your political posturing as to how you're going to justify voting against this bill. So don't talk to me about political posturing.

Let me say first that I want to thank Ms Martel for bringing forward this bill. As you know, I said some months ago in the House, after I brought a resolution before this House on the Oak Ridges moraine, that I would be bringing forward a bill. Ms Martel had a private member's spot well before mine and agreed to put this bill forward as early as possible. Before everything was dealt with at the OMB, we wanted it on the books, we wanted the debate to happen, and we were hoping that we would have the support of all three parties to get it passed. One of the reasons it's here before us today is to alert the public once again about what is going on under this government's watch in the Oak Ridges moraine. I don't expect the bill to pass today. They've got their

marching orders. But it's a good thing we have the bill before us so that we can remind the public of what is happening here in Ontario under the watch of this government.

I also want to say for the record that Ms Martel's little boy is very sick today. She is at emergency in the hospital. She did come over to open up the debate, and I wish her well, as she has gone running back to the hospital now. But I appreciate the fact that she did come back to speak to her bill this morning. Hopefully, she will make it back for the vote.

I want to say that little did we realize that we would be debating this bill today in the wake of what happened in Walkerton. That is relevant because there are many reasons and many complex issues around the Oak Ridges moraine. But it's primarily about the protection of water. There are a whole lot of other issues that are relevant here, but the protection of water is a main component of it.

I'm going to read, if you will allow me. I won't read for too long; I understand the standing orders. It's not a prop; I'm showing you something I'm going to read from. There's a document called *The Oak Ridges Moraine: Our Water and Green Space at Risk*, and it's put out by STORM, the Save the Oak Ridges Moraine coalition, who have done a wonderful job over many, many years in working to protect the Oak Ridges moraine, as well as the Ontario naturalists who have been very involved in trying to save the moraine.

I want to read you an excerpt from this wonderful explanation of why the Oak Ridges moraine and its protection is so important to all of the people of Ontario:

"The Moraine: Water Under Threat.

"One of the Oak Ridges moraine's most precious features lies hidden below the ground—water.

"The moraine acts like a huge sponge. The sands and gravels of the moraine absorb rain and snow, and deliver this water to aquifers deep below the ground. In turn, these aquifers store, filter and slowly release water to 65 rivers and streams flowing north into Lakes Simcoe and Scugog and south into Lake Ontario. The moraine acts like a public rain barrel that provides fresh, clean water not only to the rivers but also to wells that supply water to over a quarter of a million people.

"Groundwater from the moraine replenishes streams, wetlands, ponds and springs with cool fresh water even during times of drought....

"Urban development changes the way water moves through the natural system. Trees and fields absorb water but roads and parking lots, housing and industrial development compact the soil and prevent water from entering the ground. Instead, laden with urban contaminants such as oil, pesticides, fertilizers, road salt and silt, this waste water is channelled through culverts and pipes into nearby streams and rivers."

In closing in reading from the excerpts from this document:

"Even with expensive technology, developers can't replicate what the moraine does for free—control storm

water runoff and steadily replenish underground aquifers."

I believe that everybody in this House should get a copy of this and read it. There is great concern about the safety of our water if we overdevelop in the Oak Ridges moraine.

What I would say to the government members today, in all sincerity, is that this bill was brought forward because we believe and it's no secret—I don't see it as political posturing—that there should be a freeze on development in the Oak Ridges moraine while we sort out all of those issues.

The New Democratic Party, when it was in government, and everybody knows this, came up with a new Planning Act. Were that Planning Act still the law of the land today, we wouldn't be here today having this debate. We also did a very comprehensive study on the Oak Ridges moraine for, I think, two years and that study came up with recommendations which are still available. It has been shelved by this government but can be incorporated, perhaps with some fine-tuning. What we need in the meantime is a freeze, because what has happened is that the government has pulled out of any responsibility here. It's all up to an unelected body to make a final decision.

Now, when the government whip talked about how our government took away the right to appeal to cabinet, well, that is true. We brought in the first green Planning Act in all of Ontario, a new and tough green Planning Act that primarily focused on protecting environmentally sensitive land.

We took away the right to appeal to cabinet and—I'm going by memory—I believe if you look at governments going back a long time, very few cabinets under any stripe changed decisions made by a particular body. But at the same time, we brought in a very tough Planning Act because we felt that the need for cabinet to make these decisions had become less and a less an issue. The irony in this case is if that right to appeal to a cabinet were still there, what I could imagine happening under this government is that should the OMB decide to actually support the residents of the Oak Ridges moraine area, the developers would be appealing to cabinet, and I wouldn't be surprised if the government would use that appeal to cabinet to help their developer friends.

1050

Mr David Tilson (Dufferin-Peel-Wellington-Grey): That's a bad shot.

Ms Churley: One of the members is concerned about my bad shot.

Mr Tilson: You're talking about a very serious environmental issue and playing politics.

Ms Churley: I certainly am playing politics with you now.

The Acting Speaker: Member for Dufferin-Peel.

Ms Churley: Consider the source over there, Mr Speaker. This is outrageous behaviour. We have a government member, Mr Gilchrist, who's come up with his own bill. We have Mr Colle's bill and we have our bill.

What I would ask of all the members today is to support my bill—I should say Ms Martel's bill, the New Democratic Party bill—support Mr Colle's bill when it comes up, and support Mr Gilchrist's bill when it comes up. Send the whole thing to committee.

It's very clear that what the government members are using today as an excuse as to why they won't support Ms Martel's bill is that it goes too far in trying to bring back components of the Planning Act that we had when we were in government. I would say to the government, we believe that is very important. That's why we didn't just want to bring in a bill to protect the Oak Ridges moraine. This is happening all across the province, and we needed to bring some common sense, dare I say, to the Planning Act, to green the Planning Act again. But let me say to government members, if you don't support that in the bill, which clearly you don't, but you want to protect the Oak Ridges moraine, don't use that as an excuse today. It's a feeble excuse. You can vote for support of this bill today and send it to committee.

I don't know when Mr Gilchrist's bill is going to come forward. We thought an agreement had been made. Our caucus supported an exchange for the bill Mr Mazzilli—did I pronounce that right? Mr Mazzilli has a bill later this morning and we understood that Mr Gilchrist was taking his spot today. We, as a party, did something unprecedented in this House, and I believe the Liberals did as well. We agreed that this issue is so important that, in the spirit of non-partisanship, we made an agreement that Mr Mazzilli could move up. Instead of taking Mr Gilchrist's spot, which is at the very bottom of the private members' list, we agreed, without prejudice of course, that he could move his spot up so that his bill wouldn't be delayed. All of a sudden yesterday Mr Gilchrist came to us and said, "Mr Mazzilli's decided not to do that anymore."

I've got to tell you what I think happened: Mr Gilchrist was convinced that he shouldn't have his bill on today and the orders went out that Mr Mazzilli should continue with his bill. Why else, when we made a decision, all three parties, that it would be a good opportunity today to have two bills on the Oak Ridges moraine up for debate and have a good, honest, clear debate about what's in the bills and a discussion about sending it all to committee, along with Mr Colle's bill, and coming up with amendments?

I regret that the government caucus whip got up today and slammed Ms Martel's bill and simply called it "political posturing." I regret that he, the first member to get up after Mr Gilchrist to speak to our bill, decided to get so negative and so political. I thought there was a good opportunity today that we were all going to support this bill, and you still can. You disagree? Send it to committee. As you know, you have an opportunity at committee to make amendments. We want to save the Oak Ridges moraine. Your government should be doing it. We shouldn't have to be bringing forward a private member's bill today. Mr Gilchrist, a member of the government, shouldn't have to be bringing forward a private

member's bill on this. The government should freeze development immediately. They're unwilling to do that. I would say to the members of the government, your environmental record is dismal. The people of the province know it. Show some courage today and support this bill.

Mr Gilchrist: On a point of order, Mr Speaker: I feel I must correct the record. Mr Mazzilli in fact did not retract his offer. I didn't get unanimous—

The Acting Speaker: Order.

The member for Barrie-Simcoe-Bradford.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I certainly want to address some of the comments that were made here today. I think what's important to know about this bill is that it's not a permanent freeze on the Oak Ridges moraine. What it says very clearly is that they want to place a development freeze on the Oak Ridges moraine to continue until a policy statement dealing with the moraine is issued under the Planning Act. It's not a permanent freeze, so let's not mislead the public in terms of the intent here.

Second, I'm very dismayed by comments from the member for Eglinton-Lawrence suggesting that we should abolish the OMB, which is an independent tribunal that was set up to up decide disputes between citizens and municipal governments. What we're talking about here—

Interjection.

Mr Tascona: He says, "A rubber stamp." If you have ever appeared before the Ontario Municipal Board, it's one of the highest levels of advocacy in this province. Well-respected lawyers present there and it's an independent tribunal. To carry this witch hunt even further, why don't we get rid of the Ontario Labour Relations Board and the Environmental Assessment Board whenever the political parties on the other side don't like what they do? So I will say this: To have a witch hunt against the OMB with no foundation—they are an independent tribunal and they have a high degree of integrity.

But let's focus on the bill for what it is. It's not a permanent freeze. It is basically setting up a process in terms of what they want to deal with in terms of what the government should be looking at, and in fact what the OMB should be looking at when they're dealing with any plan of subdivision. The first goal is "to protect the quality and integrity of ecosystems, including air, water, land" etc, and the second goal is "To ensure that wetlands are identified and adequately protected through the land use planning...."

What is different in that from what was put in by the provincial government in 1991 and which declared the Oak Ridges moraine to be an area of provincial interest? The 1991 guidelines had eight key principles that dealt with significant natural areas, maintaining and enhancing ecological integrity, landform conservation, woodlands management, watercourse and lakes, soils and unacceptable impact on our groundwater. Those guidelines were put in place by the municipalities of York, Durham and Peel, which worked together, coordinated a strategy to protect the Oak Ridges moraine and put it in their official

plans, which have to be considered by the Ontario Municipal Board.

So the process is in place, and my friend has already indicated that the provincial government is watching this and will show leadership as to what happens out of the OMB.

Ms Churley: I'd like to ask for unanimous consent for me to do the two-minute summary on behalf of Ms Martel because she's at the hospital with her sick child.

The Acting Speaker: The member has asked for unanimous consent. Agreed? Agreed.

Ms Churley: It's very difficult in such a short time to debate comprehensively a bill like this. I think what the members have to understand this morning, and let me reiterate, is that I have no expectations, should this bill pass, that when it goes to committee the bill is going to come out in exactly the same form as it is in today. I believe, as I said before—and I know that Mr Gilchrist from the Tory caucus and Mr Colle from the Liberal caucus agree with me on this—that we have an opportunity here, as all three parties, with all of our differences about the Planning Act and with all of our differences even in terms of the best way to protect the moraine, because we have members from each caucus putting forward a bill to protect the Oak Ridges moraine.

The idea that's been expressed by all three of us, representing our parties, is that because the government hasn't moved to date to protect the Oak Ridges moraine and because these bills have some elements in common and others not—ours of course goes much further to try to bring back the greening component of the Planning Act. However, at the end of the day the government has a majority on committee, as we well know. They have the votes. It would be a very interesting exercise to bring all three bills forward to a committee and look in a comprehensive way at all the components of each of those bills and come up with the best possible solution. I would all members of the House to support this bill today.

The Acting Speaker: The time for debating this ballot item has now expired.

1100

BODY-RUB PARLOURS

Mr Frank Mazzilli (London-Fanshawe): I move: Be it resolved that the Legislative Assembly of the province of Ontario,

(a) Be committed to establish an all-party committee to investigate and draft legislation that would give municipalities better tools to regulate and control "body-rub parlours";

(b) Believes "body-rub parlours" do not reflect the values of Ontario communities;

(c) Condemns "body-rub parlours" presence in retail districts because they can drive away business patrons; and

(d) Particularly condemns "body-rub parlours" that have insisted on locating across or near schools and churches.

The Acting Speaker (Mr Michael A. Brown): The member has up to 10 minutes to debate his motion.

Mr Mazzilli: This is an issue that has been going on for some time in the city of London and in the province of Ontario, with the opening of what you will call body-rub parlours or massage parlours.

Let me make it very clear that, when I use that terminology, I am in no way talking about professional massage therapists who are regulated and perform services for injured workers, sports injuries and many other services in a professional context. What I am talking about is a new industry that is not regulated in any way. There is no profession for it. It allows patrons to go into these places and receive what one would think would be legal body rubs of some sort.

It is my belief that throughout the province many of these establishments are actually bawdy houses. Rather than coming out with a private member's bill that tried to incorporate, say, the Criminal Code, municipal bylaws and a provincial component, and come up with something that likely would not withstand challenge, without any consultation with municipalities or others, I wanted to come forward with a non-partisan resolution to establish an all-party committee to perhaps hear from municipalities.

In my riding Councillor Bill Armstrong—this was from May 15, the London Free Press—complained that municipalities don't have the power to ban body-rub parlours. In fact, they do not; I think it's very clear. Courts have ruled that you can certainly regulate legitimate businesses but you cannot ban them. Not only in London but in other municipalities they have the authority within the Municipal Act to deal with that. However, one always tends to likely go too far, as happened in London. The bylaw that was put in place was struck down by a court.

The province of Ontario or the provincial Legislature can certainly deal with components of body-rub parlours that are bawdy houses. It's clearly illegal in the Criminal Code to run a bawdy house. I think those are issues that are, yes, labour-intensive for local police communities to go in and do those types of investigations, but necessary. The legislation is in place and should not be duplicated in any way, shape or form by this Legislature.

However, after speaking to members from Niagara, Mr Kormos indicated that he has some concerns about people who work in those types of establishments that are not regulated, who are possibly exploited by a criminal element, are taken advantage of by organized crime. It was not my first intention when I put forward this resolution, but certainly the all-party committee could look into that scope and see what there is of a legal authority that we can do as a province to perhaps assist municipalities in regulating this industry.

I also want to talk about some of the resources in policing that have gone shutting down these establishments. It appears that business licences are reissued shortly after. So again, if an all-party committee could have some hearings on what would be reasonable for

municipalities after a criminal conviction of operating a bawdy house—is that enough to revoke a licence? Do municipalities feel they can revoke a licence and not reissue it after the conviction? This is an issue that city council in London has had frustration with. Councillor Armstrong brought this issue to—I was certainly aware of the issue. My constituency office, and it was my campaign office prior to that, was a body-rub parlour, as Councillor Cheryl Miller quite properly pointed out. She said something to the effect of, “I hope nothing rubs off on him.”

This is an issue that I think it is time for the province to look at to see if there is anything we can do to assist municipalities, without duplicating anything that is in place in the Criminal Code, because my belief is that the vast majority of these locations are used as bawdy houses and are not legal because they are going over the line as to what services they provide in exchange for money. If that is the case, that is a community problem and the police in those communities will have to deal with it, no matter how labour-intensive the problem becomes.

I certainly encourage all-party support. If this resolution is adopted, I look forward to working with committed members on all sides of the House to come up with some meaningful recommendations or legislation.

I'll be sharing my time with three other members: the member for Cambridge, the member for Barrie-Simcoe-Bradford and the member for Halton.

Mr Rick Bartolucci (Sudbury): I stand in support of the resolution because obviously Mr Mazzilli has a problem in his area. I think he's defined that very well this morning.

There is a bigger problem here in Ontario. We remember what Yonge Street once looked like years ago, the plethora of this type of establishment that we had and the problems that were inherent with them. I agree with Mr Mazzilli that some of these are less-than-reputable places and some types of laws need to be in place, and an all-party committee seems to be a reasonable way of approaching it. He said it's non-partisan, and I truly hope that most of the things that happen in private members' hour are non-partisan.

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I would suggest to you that we have a bigger problem than body-rub parlours across the province, although I am sympathetic and when it comes time for a vote will be standing up and voting. We have a problem of children being sexually exploited and sexually abused through prostitution. I think that's a bigger problem. I would hope that a committee of this Legislature, the general government committee, would be addressing my bill in a timely way. I would hope that Mr Mazzilli and the whip from the government and the ministers who are across the way would bring the message back that parents and police officers want this addressed in a timely way, for in fact we have a problem here in Ontario, a problem that you could almost link with body-rub parlours. I fear that some of the people who are being exploited in these body-rub parlours may be children: children who have

left home, children who for whatever reason are in need of help and who turn to the wrong element in society to find that help. These pimps force them into places such as body-rub parlours where they are sexually exploited and sexually abused.

I don't believe for a second that the protection of children is a partisan issue at all, and I know Mr Mazzilli doesn't think that the protection of children is a partisan issue. But every once in awhile I get the feeling that because a member on the opposition side has put forward a private member's bill that will protect some segment of society or some group in society, that bill is considered to be partisan and therefore not debated, and once referred to committee is never called at committee and therefore never passed. I fear that's going to happen with Bill 6, An Act to protect Children involved in Prostitution.

I know that Mr Mazzilli, because of his background, knows there are many ways these evil people in society exploit these children, and one of them may very well be their involvement in body-rub parlours. That's why an all-party committee makes sense and that's why I hope that at the end of it there are very strong guidelines. That's why I hope municipalities would buy into the concept that we must protect all aspects of our society through good, meaningful, practical, usable laws. In fact, Bill 6, An Act to protect Children involved in Prostitution, really does that, and it does that rather effectively, because they have a similar law in Alberta that is producing remarkable results. Children are being protected in very proactive, positive ways. The government has an opportunity, if they would only call this bill. Now that they don't have to deal with the tragedy at Walkerton in the general government committee, I believe that committee has almost nothing on its agenda. It would be the perfect opportunity to debate this bill.

I commend Mr Mazzilli for bringing forth a concern that he had in his riding and that is not issue-specific to his riding; we have this problem in other places, and I'm sure in northern Ontario we have some concerns about that. But if we were to weight the concerns, the protection of children is paramount, and we must work diligently to ensure that happens.

We have Bill 6. We also have Bill 32, another act introduced by me, An Act to amend the Highway Traffic Act to require a driver's licence to be suspended if a motor vehicle is used when purchasing sexual services from a child. What I'm calling for is the suspension of the driver's licence of a person who tries to exploit a child while using his or her vehicle, because I believe very strongly that our children—and we are so well-represented with our pages here—are our future. That's not a term I take lightly. I spent 31 years in association with children in the classroom and in extracurricular activities—voluntarily. I made sure that our children always knew that they were important and that they were protected in the laws of the school, in support of their primary educators, who are their parents, which they should be very proud of. I would suggest that both Bill 6

and Bill 32 go a long way towards protecting these children. I would hope this would be called.

Mr Bryant has Bill 67, An Act to protect the public by regulating the sale of replicas of firearms. I would suggest to you that's a very proactive bill. I know that he will be referring to it very shortly.

I want to say in conclusion that I will be supporting the resolution. I'd love to be able to sit on the committee. I would love to be able to be proactive on this issue, as our party is when it comes to any safe community issue and any crime issue. I suggest the government can learn from the opposition and I challenge them to do that.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join the debate on the resolution put forth by the member for London-Fanshawe dealing with, in essence, a four-part resolution to deal with the issue of body-rub parlours.

We have a situation where municipalities have significant regulatory powers with respect to adult entertainment parlours and body-rub parlours. The Municipal Act contains provisions granting municipalities broad-ranging regulatory power with respect to body rub and adult entertainment parlours. Among other things, municipalities are authorized to define the area or areas in which a body rub or adult entertainment parlour may or may not operate. In other words, a municipality may prohibit the operation of such establishments in part of a municipality, limit the number of licences granted in respect of such parlours and regulate the nature and character of signs and advertisements associated with them. The Planning Act may also enable municipalities, through the official plan and zoning process, to regulate the location of body rub and adult entertainment parlours.

Changes to legislation affecting body-rub parlours would likely entail changes to the Municipal Act, and the minister responsible for this is the Minister of Municipal Affairs and Housing. Certainly clauses (c) and (d) of the proposed resolution are relevant to the location of body-rub parlours. In this connection, section 224 of the Municipal Act allows municipalities to define the areas where body-rub parlours may or may not operate. These provisions do not expressly allow municipalities to prohibit such establishments altogether, though. However, municipalities are authorized to define the geographic area or areas in which a body-rub parlour or adult entertainment parlour may or may not operate. In other words, the provisions allow a municipality to prohibit the operation of such establishments in part of a municipality. As I said before, there are issues with respect to licences being granted and the nature and character of signs and advertising associated with body-rub parlours.

The resolution of the member for London-Fanshawe is to look at better tools for municipalities to regulate and control body-rub parlours. Certainly, he does not want them to be in retail districts, because they drive away business patrons, and he also believes that their location across from or near schools and churches should not be allowed. I certainly support that measure with respect to those being taken by municipalities. It quite frankly

escapes me why a municipality would allow those things to happen. Municipalities have controls that are in place to regulate the location and the licensing of body parlours. But if this is an issue, and the member for London-Fanshawe has indicated it's obviously an issue in his riding, that would suggest that municipalities need greater tools. I think we should confer with municipalities to discuss this in terms of what other measures could be taken under the Municipal Act or the Planning Act to give them those types of powers, because that is a local decision. It has been made locally for many years in terms of how you plan your community, how you're going to license this type of activity and how you're going to allow them to advertise.

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I certainly am not in support of body-rub parlours. That's something I think the member for Sudbury has pointed out can take advantage of our young people. It is certainly not an activity that anyone should be proud of occurring within their municipality.

I support the intent of the resolution. If there are measures that should be taken or could be taken to support municipalities in doing their job, which they've been empowered to do with respect to this type of activity, the province, through the all-party committee that is being suggested by the member, could investigate and look for some resolutions to assist municipalities if they need further tools.

Mr Michael Bryant (St Paul's): We support this resolution from the member for London-Fanshawe. This is an important issue, it's a serious issue and it affects the safety of our streets and our community. I would urge the member for London-Fanshawe not to be afraid to put forth legislation in this area as quickly as possible. It's incumbent upon members of this House, when faced with important issues in their communities, in my respectful view, to bring forth that legislation without fear that it's necessarily going to be stuck down in the courts. We already know a municipal bylaw that tried to address this matter was struck down. Obviously, provincial legislation is necessary, so let's get on with it.

Along those same lines, let's get on with all those bills that are going to keep our streets safer, the Bartolucci bills that will try to tackle and arrest child prostitution. I have a bill, Bill 67, which would regulate the sale and distribution of phony guns.

Just this week in Hamilton, a confrontation took place between the police and somebody who had one of these phony guns, an air gun. It was not a replica gun, which doesn't shoot and is already outlawed under federal legislation. My bill doesn't touch that at all. This is the loophole that has been created that permits people to buy phony guns with no questions asked.

The confrontation takes place, the police see the gun, the police pull their guns and the police would have shot. The police would have fired. Yet again phony guns would have killed, as was the case in St Michael's Hospital on January 1 of this year.

What I'd like to know is, why is it that this bill and this issue of phony guns, which the Premier says is an important issue and he asked the Solicitor General to move on this—I wrote the Premier weeks ago and said: "This is an important issue. People are going to die because phony guns can be purchased like candy from a corner store." Instead of bringing that bill forward immediately, it sits in line with other private members' business and we are debating a resolution about drafting a bill on an important issue instead of debating the bill itself.

I can assure the member for London-Fanshawe that just as his body-rub parlour bill, when it comes before this House, will have been exhaustively researched by legislative counsel and the fantastic research and legal staff at the Legislative Assembly library to ensure that Bill 67 passes constitutional muster, so will his bill go through that wringer and that exhaustive research, as it should.

We will support this resolution. Let's get on with drafting the bill. Let's get it before this House. Let's provide the attention for this issue that we should. But in the same spirit of non-partisan service to our constituents, we must ensure that the Bartolucci bills pass as soon as possible and go into effect and that the same is true for the phony gun bill.

I'm going to be sharing my time with the member for Toronto Centre-Rosedale.

Mr Ted Chudleigh (Halton): I appreciate having some time to make a few brief comments on this resolution. It's a difficult resolution because it deals with an area that has some ill-defined lines between the legitimate and the illegitimate in the body-rub business. Certainly massage therapy is a very legitimate pursuit and one that should be protected throughout the discussions on this resolution.

I think it's an excellent idea to bring this resolution to an all-party committee because it has a number of nuances to it that need some very careful consideration given over time. All you have to do is look at a daily newspaper in Toronto and see the kinds of ads that are advertising body-rub parlours to understand the range that these places offer, some of them bordering on the legitimate and others, quite frankly, bordering on being brothels. Of course, that would put them into the area of the Criminal Code, which is a federal regulation. So we're dealing with municipal regulations, we're dealing with provincial regulations, and we're dealing with federal regulations. It seems to me that an all-party committee that could work on this and draft some legitimate legislation might give municipalities a better tool to control and to regulate these types of activities within their areas.

The second part of the resolution believes that body-rub parlours "do not reflect the values of Ontario communities." I think it goes without saying that the seedier side of body-rub parlours definitely does not reflect Ontario's values. At the same time, the committee should be very aware that massage therapists and other areas

should be protected, and again I think that can best be done through putting this into a committee that would have the time and make the effort and perhaps be able to garner the expertise in order to make something that will not be struck down by the courts, as was mentioned earlier.

The third part condemns body-rub parlours' presence in retail districts because they do drive away business patrons. Having been in business, there was a rumour around at one time in my career that the establishment right next door to the office I was in was going to become a body-rub parlour. I can tell you it wasn't long before I'd had a conversation with the landlord that if the body-rub parlour came in, we were going out. It's certainly not a place that you want to do business in. This was in a commercial area, not necessarily a retail area. So I think it's very difficult to find a location. We talk about putting these things in industrial malls. Well, if I were running a business in an industrial mall, I don't think I would want to have a body-rub parlour next door to my legitimate business enterprise. I think it casts a pall on the entire area. Finding a location to put this is a very difficult consideration. You need the time and the consideration of a committee that can draft the kinds of regulations to protect Ontarians and to make sure they don't interfere with legitimate businesses in the same neighbourhood that they may located in.

The fourth part, (d), particularly condemns body-rub parlours that have insisted on locating near schools and churches. I think that reflects again on the third one, where it is probably as far from Ontario's values as you can get. I think Ontarians have very high values when it comes to what happens in their schools. As Mr Bartolucci, the member for Sudbury, talked about in his bill—I had the opportunity to sit on the committee that went to Sudbury and had some hearings on that bill, and I can tell you I was shocked at some of the things we learned in that committee. I think those things don't represent Ontarians' values.

It gives me a great deal of pleasure to be in a position to be able to support this bill and to do what we can to see it gets through the proper process.

1130

Mr George Smitherman (Toronto Centre-Rosedale): It gives me pleasure to have an opportunity to join the debate with respect to the resolution by the member from London. I would echo the comments of my two colleagues in the Liberal caucus, and that is that we are intending to support this resolution.

I would echo the comments by the member from Sudbury, who mentioned that body-rub parlours have, in the case of my community, Toronto Centre-Rosedale, and Yonge Street in particular, caused considerable havoc within that community. Many years ago, an intensive effort to clean up Yonge Street had as part of that a very big focus on ridding the community of the problems caused by body-rub parlours.

I would like to echo some of the comments of my colleagues with respect to the priorities related to crime

and safety in this province and also make a point here, which is that in this House a few weeks ago in private members' hour—last week, I guess—we also debated the notion that municipalities may require greater tools at their disposal to regulate rave parties. Here again, we see a suggestion that legislative committees ought to take a look at whether municipalities have the appropriate tools in their arsenal to regulate body-rub parlours.

There's a very important point of principle here and one that needs to be made. This member from London is acting, some might say, in sharp contrast to another member from London, who heads up the Tory Red Tape Commission. Red tape has been given a rather bad name here in Ontario. But I think the point has been made, both in this case and also in the case, quite frankly, in Walkerton, that there are examples where red tape is there with a very important purpose, and that is to protect our citizens. I think that's at the heart of the matter here.

I had an opportunity to speak to the member from London about this resolution and to find out some of the challenges that are faced by that community related to controlling this activity. One of the points that needs to be made, and I'll do it from a Toronto perspective, is that regulation alone is not the answer. Policing is a very real part of the challenge here.

In my own riding of Toronto Centre-Rosedale, I must say that problems related to body-rub parlours are not the biggest problem we're facing. In my riding, the problem is crack cocaine and guns. Since my election almost one year ago, I'm sad to say that my riding has experienced well over a dozen murders. I have been on the back of the government about the fact that the city of Toronto has fewer police officers on the streets than it did when the Harris government came to office.

I had the opportunity during the member's comments to be reading some correspondence that just came in related to a community action committee safety audit of part of a neighbourhood in my riding. This comes from Jessie's non-profit housing in my riding. I want to read one line, just to put in perspective some of the challenges that we face related to crime and safety in our communities. I'm going to quote from a final report of the joint safety audit from Toronto Women's Housing Co-operative and YWCA Jessie's Non-Profit Housing Community Action Committee: "Unfortunately, in the lane and laneway, during the day and evening, members/tenants, children, and staff have been repeatedly subjected to public sex acts, harassment by 'johns,' stalking, drug ... use, and more recently, a substantial increase in the through traffic."

I want to say to the member opposite, we support his resolution. We on this side of the House believe—and we have identified several bills we recommend to the government for support—that the government has had many opportunities to talk loud on crime, but we're giving them some real opportunities to act on these matters.

In my case, in the riding of Toronto Centre-Rosedale, I'm calling for dedicated drug squads. I'm lobbying the

mayor, the police chief and the chair of the police services board. I say to the government opposite, it's time to stop talking loud on crime and to provide the city of Toronto with adequate police resources so that we can effectively put more police on the streets of Toronto. I repeat, there are fewer police on the streets of Toronto than there were when the Harris government was elected.

Mr Bryant: On a point of order, Mr Speaker: In the west gallery we have a couple of great Canadians: a pioneer in the social work profession, Arlene Abramovitch; a pioneer within the legal profession, Susan Abramovitch—and it is her birthday today. A couple of great Canadians whom we welcome to the Legislature.

The Acting Speaker: As you know, that is not a point of order.

The member for Niagara Falls.

Mr Bart Maves (Niagara Falls): It's a pleasure to rise and speak to the resolution from the member from London. I know he shares my concern with this problem of body-rub parlours in Niagara Falls, as well as, I believe, in Richmond Hill, London, and Windsor. Body-rub parlours are now coming back and it seems the ball is starting to roll again.

I know that several years ago the city of Toronto had a serious problem with body-rub parlours, and they brought in a bylaw which effectively did away with them—I think it was upon the death of a person in a body-rub parlour. Unfortunately, that bylaw got taken to the courts and was thrown out, and body-rub parlours are now coming back in different municipalities all over the province.

To legislate them out of existence is impossible at this level. My understanding is that it's a morality issue, a Criminal Code issue, and it's something the federal government would have to do.

In 1996 we changed the Municipal Act to give more authority, more powers to municipalities to regulate the zoning and licensing of businesses. I know that my municipality, in trying to regulate some body-rub parlour applications in Niagara Falls, has tried to use the new authorities under the Municipal Act and they haven't proven to be effective enough. So I welcome the resolution from the member from London.

I encourage the Legislature to get together in an all-party committee format to try to find some solutions with which to deal with this. Communities don't want these body-rub parlours. It seems that as the law currently exists we don't have much of a choice. We can't completely outlaw them. They have to be assumed to be a legal business that is just supplying a legal service until proven otherwise.

The past history of these is that they quite often do not provide legal services, and so we need to do something. Perhaps we need to give municipalities more authority, or perhaps we can do something through the Ministry of Consumer and Commercial Relations to put some licensing requirements on these businesses. I don't know.

I've had a lot of chats with a lot of people in my community who are very concerned about this. One gentle-

man actually paid for and sent a private investigator into one of these facilities, and even though all the assurances have come forward that it's a legitimate business, the private investigator said came out of there and said, "Guess what's happening inside the body-rub parlour: non-legal activities." There's a great deal of concern in my riding, and I understand that the municipality has attempted to use the tools that we put at their disposal in 1996 and it has been unsuccessful.

I am very solidly behind Mr Mazzilli's resolution to get an all-party committee together to find a solution to this problem once and for all. I would be happy to even sit on that committee to attempt to find something. Some of the people I've talked to have come up with solutions; for instance, licensing the workers in there. Maybe they have to have certain masseuse certificates and so on to be able to work in a body-rub parlour. Questions raised include: "Are they paying employer insurance premiums?" "Are they paying WSIB premiums?"

There are a variety of questions that have been raised that I don't know the answers to, and I think the idea of having an all-party committee is excellent. I endorse it. Hopefully we will be able, as a Legislature working together, all three parties, to find a solution to this problem.

Mr Peter Kormos (Niagara Centre): First, let me indicate I'm going to support the resolution. I spoke with Mr Mazzilli about it a couple of times, most recently this morning. He's been very forthcoming, as I expect of him.

I am a little disappointed that it's restricted to body-rub parlours—b-o-d-y parlours, not b-a-w-d-y—when perhaps it should be the broader scope of what are referred to, in any number of efforts by municipalities to regulate, as adult entertainment parlours. The problems apply not only to so-called massage parlours, the body-rub parlours, but also to strip clubs, problems accentuated—and no disrespect to the Supreme Court—by the ruling which overturned the Quebec Court of Appeal decision where Madame Justice Arbour, as reported in December 1999, again created some ambiguity over the lap dancing issue and suggested that some sexual touching didn't violate community standards. That's my understanding of the ruling.

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As well, in terms of the efforts on the part of municipalities to regulate these things, again Mr Mazzilli is well aware of the ruling of Mr Justice Zuber. I think that dates to 1998, doesn't it, Mr Mazzilli? I'm doing that without notes. Mr Justice Zuber condemned efforts by municipalities that use zoning regulation to in effect prohibit. The court said you can't do that.

We had a problem in Thorold, in particular a part of Thorold that used to be part of my riding of Welland-Thorold and was excluded, to their dismay, from the riding of Niagara Centre, that very east side of Thorold. The city of Thorold went to great lengths and expensive litigation to prohibit the licensing of two strip clubs—yet two more strip clubs. You see, the Niagara Falls strip, up to the Thorold border on Highway 20, had become a

rather intense area of adult entertainment parlours. A few years ago we had a major crisis when a father discovered his not quite 16-year-old daughter working in one of these clubs as a stripper and expressed incredible dismay and frustration at the fact that there weren't any enforced requirements to ensure that young women working in these places have to at least be a certain age and that there wasn't enforceability of that by way of some very strict penalties against the operators of these clubs.

I've spoken with a lot of the women who have worked in this industry, if you want to call it that. I've spoken with other people who operate and work in the strip club/body parlour industry, and I want to add perhaps a little bit because nobody has really talked about the circumstances that women have to work in in these places. If we're going to discuss this, let's discuss that as well. I'm only putting to you what I've been told. It's anecdotal, but I believe that in most instances I've got it from the horse's mouth, so to speak.

I've been told of women who literally have to pay to work in a strip club. In other words, they pay for the privilege of working there and then have to eke out their living by way of tips by table dancing, lap dancing, and of course the pressure is on to compete with other women who are prepared to provide additional services. So you create a scenario where women have to pay for the privilege of working somewhere and then have to submit themselves to effectively prostitution if they're going to be competitive with co-workers.

There's the phenomenon of women having to provide favours for the booking manager of a particular club. There's the inconceivable concept of the old company town where in strip clubs where there are accommodations provided, usually upstairs on the second floor, women working as dancers in these clubs live in those inevitably very sordid and distasteful accommodations and, if they are being paid by the owner of the club, are then charged back not only for their bar bill at the end of a workweek—and I understand why women would want to drink during the course of doing this kind of work—if it's not a cocaine bill—and again, I don't need any letters from owners of strip clubs telling me that their club doesn't participate in this sort of activity. I understand that. I know many of the management of some of these clubs, and I understand they range from perhaps very competent and ethical, if you can say that in this context, to the downright sordid.

But I've talked to dancers who tell me about being charged back for the booze, the cocaine and their room to the point where at the end of the week they owe the boss money. There isn't even any take-home pay.

Of course, we've read about the involvement of organized crime and quasi-organized crime in terms of the management of women and of teams of women who travel throughout the province and throughout the country down into the United States.

We've also been exposed via press reports and any number of recent arrests involving the holding hostage of women, especially women coming to Canada with non-

Canadian passports, who have their passports literally held by the owner of a club or a body parlour, in effect holding them hostage. They can't leave because they're not free to leave the country unless they get their passport back. We're talking about pimping, slavery in a way that should be repugnant, I suspect to every member of this Legislature, but as well to every member of the Ontario public.

Things have come a long way since the old days of the Warwick Hotel down on Dundas Street or the Palace Burlesque over on Spadina—is that the Palace or the Victory? Mr Mazzilli's too young. But things have come a long way. The environment in these adult entertainment parlours, I submit to you, is incredibly exploitive of the workers in those places. I suggest that if we're going to talk about this in committee, we should also be talking about developing some regulation, some requirements, that protect women working in this industry from some of the abuses I've related to you. I'm not about to pretend that we're going to eliminate the world's oldest profession. I'm not about to pretend that we're going to eliminate—

Mr Smitherman: That long?

Mr Kormos: No, lawyers are the world's second oldest profession, Mr Smitherman. When you examine the professionalism and the definition, lawyers, like their counterparts, provide services to anybody who requests, anybody who's prepared to pay, without question of the morality of the matter. I say that with some self-deprecation, of course. I'm entitled to say it, I guess; I'm a lawyer. If a non-lawyer said it, lawyers would be up in arms, and lawyers may still be up in arms.

If we're going to go to committee with this, let's talk about some of the other elements of that industry. The city of Thorold went to great lengths. I spoke with Pastor Rittenhouse of the First Baptist Church. He spoke and represented not only his own congregation, but a huge number of people in the city of Thorold, and I quite frankly supported them and their opposition to these new strip clubs at the very east of what is now Mr Maves's riding, no longer mine.

The city of Thorold was unsuccessful for some of the same considerations that failures have occurred in other communities, like London, with the application of the test by Mr Justice Zuber in terms of the extent to which a municipal bylaw can zone as compared to prohibit. The OMB was prepared to suggest and accept that the locations of these clubs were not inappropriate. I don't know whether there are any instances of adult entertainment parlours, body-rub parlours or strip clubs adjacent to churches or schools, I don't know if that's ever occurred, but it's not rocket science to suggest that there should be some very basic standards about the types of locales.

Niagara Falls finds itself in a unique position. That entry point of Highway 20, that gateway to Niagara Falls, is resplendent with glitz, neon flashing-light strip clubs, and now body-rub parlours according to the licences that appear to be pending for any number of applicants along

that strip. I suppose that's consistent with casino gambling. The two probably go very much hand-in-hand. It was predicted by those of us who were opponents of the expansion of casino gambling, and who were opponents of even the Windsor location, that casinos were going to attract any number of these types of business enterprises that were going to be less than savoury for family audiences.

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I want to make it very clear that I do not condemn in any way, shape or form the women who work in these industries. These women are there, in many instances, through no genuine choice of their own. They work hard in a trade that most of us would find difficult to tolerate if we were called upon to perform those types of services.

I must say that the member from Niagara Falls, who spoke as he did in opposition to body-rub parlours, didn't address the issue of strip clubs. Mind you, I notice that he was the beneficiary last year of a \$1,000 contribution from one of Niagara Falls' foremost strip clubs, the Sundowner Inn. It was only \$1,000 and it was the Sundowner Inn.

Mr Mike Colle (Eglington-Lawrence): What's that place like?

Mr Kormos: Mr Rudan is an acknowledged businessman in the Niagara Falls area but runs perhaps one of the leading strip clubs. Again, I have no quarrel. I quite frankly don't know whether Mr Rudan contributed to my campaign. I don't think he did. I know him. I suppose I would accept his contribution as well, but I would be somewhat concerned about how many women had to dance how many lap dances to create that \$1,000 that Mr Rudan contributed to the election campaign of the member for Niagara Falls.

I want consideration, please, Mr Mazzilli, to include that whole scope of adult entertainment. I want it to talk about ways that municipalities can be empowered to effectively zone these so they're in less unsuitable places. I similarly want that committee to consider ways that this government can, as it should, protect women working in that business, in that trade, from the abuses and exploitation they've been subjected to, increasingly and not just historically.

I want it to be done in a way that respects the women who perform these performances, if you will, understands they're there for any number of reasons, most of them extremely valid, and understands that as long as we persist in creating an economy in this province—with this government that reduces wages significantly, that continues to leave women on the sidelines, that promotes a low-wage economy, women are increasingly going to find themselves working in this type of business, not so much through choice but through necessity, through need.

As I say, I think it's important that through the course of this we understand that we have an obligation to protect those workers as well, those women working in the adult entertainment business.

It's been mentioned that the Criminal Code provisions—Mr Mazzilli would know this—regarding common bawdy house etc can be enforced. I want to reiterate that as long as we don't have police officers in sufficient numbers to enforce the Criminal Code, they're not going to be able to enforce it. Perhaps, Mr Mazzilli, as I join with you in your resolution, you would join with New Democrats in calling for adequate staffing of police forces so they can enforce the law and protect our community from predators.

The Acting Speaker: In response, the member for London-Fanshawe.

Mr Mazzilli: I want to thank all the members on all sides of the House who spoke to my resolution.

If I can speak briefly on this, rather than coming out with a private member's bill that somehow tried to take into account federal legislation, provincial jurisdiction and municipal jurisdiction, which would have been very difficult to do in this case, to come up with something that would be meaningful, I'm calling for an all-party committee to have hearings and to see what within provincial jurisdiction we can do in a meaningful way to control body-rub parlours. I just want to repeat that this is in no way about registered massage therapy, which is a regulated profession, and so on. In my belief, the vast majority of these body-rub parlours are bawdy houses. It's well covered under the Criminal Code. In that regard, the enforcement of the Criminal Code needs to occur.

I understand that it is labour-intensive for police departments to go after these organizations because of the months and months of investigation. But I would also urge that it's necessary. One thing we know about crime, especially when there's profit in it and there's no enforcement: Before you know it, in a certain community you may start out with five of these parlours and build up to 30 or 40.

As Mr Kormos said, many women working in that type of environment are exploited because of competition. The next parlour does this, so you have to do that if you want to stay competitive. Many are forced to go beyond what they ever thought they would have to do in an establishment like that.

The Acting Speaker: The time for debate on this ballot item is now expired.

OAK RIDGES MORaine GREEN PLANNING ACT, 2000

LOI DE 2000 SUR L'AMÉNAGEMENT ÉCOLOGIQUE DE LA MORaine D'OAK RIDGES

The Acting Speaker (Mr Michael A. Brown): We will now revert to ballot item number 27.

Ms Martel has moved second reading of Bill 71. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

We will take this division after we deal with ballot item number 28, private member's notice of motion number 17.

BODY-RUB PARLOURS

The Acting Speaker (Mr Michael A. Brown): Mr Mazzilli has moved private member's notice of motion number 17. Is it the pleasure of the House that the motion carry? The motion is carried.

OAK RIDGES MORaine GREEN PLANNING ACT, 2000

LOI DE 2000 SUR L'AMÉNAGEMENT ÉCOLOGIQUE DE LA MORaine D'OAK RIDGES

The Acting Speaker (Mr Michael A. Brown): We will now call in the members for ballot item number 27, second reading of Bill 71.

The division bells rang from 1158 to 1203.

The Acting Speaker: All those in favour will rise and remain standing until their name is called.

Ayes

Agostino, Dominic
Bartolucci, Rick
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Chudleigh, Ted
Churley, Marilyn
Cleary, John C.
Colle, Mike
Cordiano, Joseph

Crozier, Bruce
Di Cocco, Caroline
Duncan, Dwight
Gerretsen, John
Gilchrist, Steve
Gravelle, Michael
Hampton, Howard
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte

Lalonde, Jean-Marc
Marchese, Rosario
Martel, Shelley
McGuinty, Dalton
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ruprecht, Tony
Sergio, Mario
Smitherman, George

The Acting Speaker: All those opposed will please rise and remain standing until your name is called.

Nays

Arnott, Ted
Baird, John R.
Clark, Brad
Clement, Tony
Coburn, Brian
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gill, Raminder
Guzzo, Garry J.
Hardeman, Ernie

Hastings, John
Hodgson, Chris
Johns, Helen
Johnson, Bert
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
Munro, Julia
Mushinski, Marilyn

Sampson, Rob
Snobelen, John
Sterling, Norman W.
Stewart, R. Gary
Tascona, Joseph N.
Turnbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 34; the nays are 32.

The Acting Speaker: I declare the motion carried.

Pursuant to the standing orders, this bill is referred to committee of the whole House.

Ms Shelley Martel (Nickel Belt): On a point of order, Speaker: I'd like it referred to the general government committee.

The Acting Speaker: Is it the pleasure of the House that this bill be referred to the general government committee? Those members please stand to indicate their support.

All those in favour of it going to the general government committee? Those opposed, please stand.

Clerk of the House: The ayes are 33; the nays are 32.

The Acting Speaker: This bill is referred to the standing committee on general government.

All matters now having been dealt with for private members' business, this House stands recessed until 1:30 of the clock.

The House recessed from 1208 to 1330.

MEMBERS' STATEMENTS

LIUNA STATION

Mr Dominic Agostino (Hamilton East): Last Saturday, May 20, I had the pleasure, along with my colleagues David Christopherson, Marie Bountrogianni and Brad Clark, to attend the opening of LIUNA Station on James Street North in Hamilton. It's the restoring of the old CN station, which was built in 1930 at a cost of \$2 million. The station was closed in 1993. It was purchased by the Labourers' International Union of North America, Local 837, and renovated to the tune of \$7 million. They have restored the old glory of the CN station. It is now known as LIUNA Station. Its beautiful stone, brass, bronze and marble have been restored. The station itself has returned to the glory of the past.

A great deal of the tribute for this has to go to the Labourers' International Union, Local 837, and the leadership of Joseph Mancinelli and Enrico Mancinelli, who saw a vision in the old CN station. A station that welcomed thousands of immigrants to the city of Hamilton, a station that saw thousands of Hamiltonians go off to war, a station that has seen its glory days and its tragic days has once again been restored. It is the legacy and the work of Labourers' International Local 837 in Hamilton, and the vision of Joseph and Henry Mancinelli that has contributed to this.

On behalf of my colleagues from the Hamilton area in this House, I want to pay tribute to LIUNA 837 and to Joseph and Henry Mancinelli for their vision, their leadership and their contribution as they continue to make Hamilton and our community and our province a better place to live. I pay tribute to them. I am proud of the work they have done as Hamiltonians and Ontarians.

TODD POTTLE

Mr Doug Galt (Northumberland): I rise today to congratulate Todd Pottle, who is one of Northumberland's many outstanding teachers. Todd is head of the geography department at the Cobourg District Collegiate Institute West and has just been honoured with a very

prestigious award. Last week, the Environmental Systems Research Institute gave Todd a Canada Award of Excellence.

Teacher Pottle was given the award for his pioneering work in the geographic information system computer technology field. He is a recognized leader in the teaching of GIS and is the author of a high school textbook.

The opportunities Todd provides for his students are absolutely extraordinary. A recent project gave his students a chance to determine the ideal location for a convenience store in Cobourg. Students used factors such as population, layout, traffic flow and proximity to other stores to determine the best location for a store that would be near the Terry Fox public school.

Another project Todd has used in his classroom has been to create virtual tours of local walks and trails, including the Historic Cobourg walk, the Cobourg Creek Trail, the Ganaraska Forest Trail and the Northumberland Forest Trail.

Todd's extraordinary lesson plans are providing students with skills and knowledge that will be make them very attractive for post-secondary institutions and for job openings. The people of Northumberland are lucky to have many outstanding teachers, and Todd Pottle certainly represents the best of the best. Todd Pottle cares about his students and clearly puts his students first.

On behalf of the province of Ontario and the people of Northumberland, I would like to offer our congratulations to Todd Pottle for a job well done.

ANNIVERSARY OF ITALIAN REPUBLIC

Mr Mario Sergio (York West): Tomorrow, June 2, Italy celebrates its 54th anniversary of the Italian republic; 54 years ago the democratic state of Italy was born. "La festa della repubblica," as it is called, marks an extremely important recurrence as it holds over half a century of Italian history, signifying the beginning of a new freedom built on a past that had its soil devastated by wars. Thus Italy and Italians everywhere, in every part of the world, will celebrate with pride the accomplishments of the last 54 years.

The Italian community in Ontario will also join in the celebrations. They will celebrate the freedom, the opportunities and the tolerance they have found in their new home. Italians accepted and enriched those values, and built upon that freedom and opportunity. They continue to make their contribution with their hard work, skills and trades, as well as through culture and artistic initiatives. Equally, Italians are proud of this, their new home, for they and their families have embraced this land and all it holds.

On behalf of the leader of the Liberal Party, my caucus colleagues and indeed every member of this House, I would like to extend congratulations to Italy and Italians everywhere.

Aussi, je veux dire en français à l'Italie et à tous les Italiens, félicitations à votre fête.

BASEBALL HALL OF FAME

Mr Bert Johnson (Perth-Middlesex): Today I rise in the Legislature to promote one of Ontario's greatest tourist attractions, the Canadian Baseball Hall of Fame and Museum in St Marys, Ontario.

In 1883, Adam Ford, an early settler of St Mary's, published an account of a game being played in Beachville, Ontario. He later organized a league in St Marys to advance this new game called baseball.

Since 1983, the Canadian Baseball Hall of Fame and Museum has inducted more than 100 people, including great players, builders and key contributors to the game of baseball.

On June 24 this year, the hall of fame will induct former Montreal Expos manager Jim Fanning.

Currently, local volunteers are working to raise over \$1 million towards the establishment of a permanent facility. There are also plans to expand their baseball stadium and establish picnic shelters, play areas and walking trails.

Last week, as part of Tourism Week, the Minister of Tourism presented a cheque to the hall of fame for \$25,000 to help them develop a marketing plan. I want to thank the minister for his support.

I also want to congratulate the many volunteers who have worked tirelessly to bring the field of dreams to life in St Marys. As their slogan goes, "If you build it, they will come."

I'd encourage my colleagues to visit our national shrine for baseball, the Canadian Baseball Hall of Fame and Museum in St Marys, Ontario.

WATER QUALITY

Mrs Marie Bountrogianni (Hamilton Mountain): My statement addresses the heartbreaking events that have taken place in Walkerton over the last two weeks. I share with my colleagues in this assembly the deepest sympathy for the families who have lost loved ones in this unprecedented disaster. It is hollow comfort that the government has finally been shamed into a public inquiry.

I sincerely hope that the terms of reference are broad enough not only to deal with the Walkerton tragedy but to get at the larger questions surrounding the safety of Ontario's water and whether, in the face of this government's slashing of budgets, local communities and indeed the relevant minister can adequately ensure the safety of our water and our citizens.

More specifically, let's make sure we get clear answers to these kinds of questions: Are the testing labs certified? Do they have clear operating guidelines? Are there clear enforceable standards for testing procedures? Is there a clear line of accountability and oversight which ensures proper reporting? Why do we have guidelines for these critical responsibilities and not regulations? Why isn't there better coordination among the agencies involved?

Finally, we are dealing with the sad results of an Americanization of the system, the wholesale privatization and hodgepodge sell-off of public institutions. This government continually abdicates its responsibility to the people of this province. They have left local municipalities with the responsibility for water quality but not with the resources.

Let's make sure our drinking water is safe for all of the citizens of Ontario.

INJURED WORKERS

Mr David Christopherson (Hamilton West): Members of the Legislature will be aware that there were hundreds of injured workers out in front of the Legislature again today on June 1, which of course is Injured Workers Day here in Ontario. The crowds continue to grow. These injured workers are there protesting this government's continuing attack against the benefits and the ability to have a decent standard of living.

I thought it would be important to point out to the Legislature why June 1 was chosen as Injured Workers Day in Ontario. It goes back to 1983. On that day, the standing committee on resources development, under a then-Conservative government, was scheduled to hear a presentation on a white paper on workers' compensation. They'd expected a big crowd: 800 people. In fact, 5,000 people who showed up.

The chair of the committee, a Tory, suggested that everybody just go home. The injured workers were having none of that and insisted that they be heard. And so, for the first time ever in the history of Ontario, there was a committee hearing held on the front lawn of the Ontario Legislature, a formal meeting with Hansard, the full regatta that we put on for committees. It was described this way: "The hearings went on all afternoon. Workers spoke. The crowd roared with approval. Everything that was said after that was recorded in Hansard. The day was extraordinary and the hearing had a surreal mix of protest and formal procedure."

I raise this to let members know that injured workers are not about to back off from that great tradition on June 1, 1983.

1340

UNITED EMPIRE LOYALISTS' AWARD

Mrs Tina R. Molinari (Thornhill): I'm pleased to rise today to inform the House about an historic event which took place on May 28 in my riding of Thornhill. On that date, it was my honour and privilege to attend ceremonies wherein the United Empire Loyalists' Association of Canada presented the Heintzman House with the first union Loyalist flag in honour of the property's first owner, United Empire Loyalist Anthony Hollingshead, 1734 to 1818.

Anthony Hollingshead was involved in one of the most remarkable battles of the American Revolutionary War, the Battle of Bergen Wood. Hollingshead was one

of 75 Loyalist defenders who, in July 1780, withstood and repelled an attack by a force of 2,000 American rebel soldiers at Bergen Wood, New Jersey, on the banks of the Hudson River.

Greater than the victory of battle is the legacy and tradition that the Loyalists have left for future generations—a belief in the rule of law, social justice and tolerance. Quoting from a letter written in the late 1790s, Anthony Hollingshead optimistically wrote of the new century of 1800:

“... in 1800 the remnant of all nations to be of one religion and no more wars amongst men who will forever after be in bonds of friendship, equality and unfeigned love towards God and one another.”

Other properties in the greater Toronto area to receive this recognition from the United Empire Loyalists' Association have been Queen's Park and Fort York, so it was indeed a proud moment for the constituents of Thornhill for Heintzman House to be included in such eminent company and accorded this award.

SEXUAL HARASSMENT

Mr Pat Hoy (Chatham-Kent Essex): Tomorrow is the fourth anniversary of the tragic death of Theresa Vince. Theresa was brutally murdered in Chatham by the workplace supervisor who had sexually harassed her for years. Sexual harassment is a crime and this government's tolerance towards it cannot continue.

I want to pay tribute to Marion Boyd, the former member from London Centre, who first took up this battle for Theresa's family and for all women who experience harassment. On behalf of the Chatham-Kent Sexual Assault Crisis Centre, who work in Theresa's memory, I'm honoured and committed to carry on this fight.

All women should have the right to full, equal and safe participation in the workplace, yet between 40% to 70% of women on the job experience sexual harassment. Since coming to power, Mike Harris has diminished the remedies available to women. He broke his promise to dedicate employment equity monies to the Human Rights Commission that would have assisted women under this duress. This issue transcends all party lines. The Theresa Vince inquest spoke of the need to recognize sexual harassment as a “dangerous circumstance” under the Occupational Health and Safety Act, yet the government refuses to act.

Tomorrow, I will be attending a memorial service for Theresa in Chatham. Theresa's death must not be in vain. That is why I will be presenting a private member's bill that will, among other things, make sexual harassment an offence under the Occupational Health and Safety Act. I also call on the government to designate the first week of June to the prevention of sexual harassment.

SINGLE DADS

Mr R. Gary Stewart (Peterborough): I rise today to speak on behalf of single dads, who as a group are frequently referred to as “deadbeat dads.”

On several occasions I have met with constituents who are single dads. They impress me with their responsible attitude, they care deeply for their children and they make their monthly support payments on time. Regrettably, they are labelled with the few bad examples of dads who don't take their responsibilities seriously.

In many instances, I have been told horror stories by these single dads who have been ordered to make support payments well above what they can afford, often more than half of what they are earning. Recently I was advised of the suicide of a man in British Columbia, a suicide apparently driven by court orders for child and spousal support totalling more than the man's income.

I believe there may be an issue of discrimination faced by single fathers, both in the courts and in our society. I would like to commend the fathers who take their obligations seriously and who only want to be part of their children's lives.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): Earlier today the member for Hamilton West, Mr Christopherson—

Interjection.

The Speaker: I've actually had an opportunity to read it; I have my ruling.

Interjection.

The Speaker: No, I have a ruling on it for him. As you know, under standing order 21(c) he tabled it with me and standing order 21(d) permits me to make a ruling. It is two pages long; it is rather long and I have a ruling on it.

Does the member have a quick comment on that?

Mr David Christopherson (Hamilton West): Mr Speaker, perhaps I might draw your attention to the fact that the member from Renfrew-Nipissing-Pembroke had exactly the same procedure and took quite a length of time. This is a fraction of that. I really would appreciate the opportunity to place it.

The Speaker: I can't permit you to do that. I have a ruling. In the case of that member, it was different. I had it beforehand, had read it and did not have a ruling at that time. This time I do have a ruling and quite frankly it's pretty straightforward. One of the reasons I wish to decide on this matter without hearing directly from the member comes under standing order 21(d), which permits me to do that.

This is not a dismissal of the matter or a reflection on the merits or the seriousness of the issue that the member raises, because I have, under the standing orders, had an opportunity to read through it. However, because the issue the member has raised relates entirely to proceedings that have taken place in a committee of this Legislature, I am not in a position to consider the matter. Our

precedents abound with numerous examples of Speakers declining to become involved in procedural issues arising from committees. This is properly done since the committee itself is the place for the member to raise the issue and for it to be dealt with; indeed this may have already occurred. Alternatively, the committee would have to report to this House on a matter for it to be properly raised in this forum.

I therefore find that the member does not have a point of privilege.

I will say to the member, the reason is very clear. I've had an opportunity to read through it with the standing orders. I thank him for doing that, but it is very clear, and I've read through it. It's about two pages long. That is my ruling. I thank the member for his participation.

Mr Christopherson: On a point of order, Mr Speaker: With great respect, may I ask what would be the point of having you rule in this place instead of just by mail, since nobody knows the context of what you're ruling on?

The Speaker: In some instances I would need to take further study of this issue and I would like to hear from the member. This is a very clear-cut situation and the standing orders permit it. One of the reasons for the notice, of course, is so the Speaker can read through it and decide if there is a point of privilege. I don't want to surmise why the standing orders would be that way, but I can only surmise that the reason the standing orders are like that is because if it was not the case, somebody could get up on a point of privilege, read it out and get into a situation of debate and carry on and there would be no way for the Speaker at that point to know and use the notice of point of privilege to enter into debate.

That's why the notice goes out, so that I have a chance to look at it. I will say this: On most points of privilege, if it is something that I want to hear and if it's a matter that is not that clear-cut, I would hear from the member. This is a very clear ruling on this issue. That is my ruling. I thank the member for that.

Mr Christopherson: May I ask you very briefly about your ruling?

The Speaker: Yes, very briefly.

Mr Christopherson: It troubles me that I don't even have the opportunity as a member to place my concern in front of the Legislature, to be in Hansard, on the record, that this indeed happened. Perhaps I could just serve notice to you and through you to the government House leader that I would like to take this up at the next House leaders' meeting, because I really think there's an element of unfairness here regardless of who raises what issue from any of the parties.

The Speaker: That's fine, and that might be an appropriate place to do that.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ESTIMATES

Mr Gerard Kennedy (Parkdale-High Park): Pursuant to standing order 59(a), I beg leave to present a report from the standing committee on estimates on the estimates selected and not selected by the standing committee for consideration.

I'd like to mention we have chosen 12 ministries to scrutinize, and on behalf of all members from all parties, we have a commitment to do as much scrutiny as possible and to take as much time as we can, including hopefully summer sittings, to do that.

Clerk at the Table (Mr Todd Decker): Mr Kennedy from the standing committee on estimates presents the committee's report as follows:

Pursuant to standing order 59, your committee has selected the estimates 2000-01 of the following ministries and offices—

Mr Kennedy: Dispense.

The Speaker (Hon Gary Carr): Dispense.

Pursuant to standing order 60(b), the report of the committee is deemed to have been received and estimates of the ministries and offices named therein as not being selected for consideration by the committee are deemed to be concurred in.

1350

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mrs Marie Bountrogianni (Hamilton Mountain): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill, as amended:

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for second reading.

INTRODUCTION OF BILLS

AFFORDABLE HOUSING INCENTIVES ACT, 2000

LOI DE 2000 SUR LES STIMULANTS AU LOGEMENT À PRIX ABORDABLE

Mr Caplan moved first reading of the following bill:

Bill 83, An Act to create affordable housing by enabling municipalities to offer incentives for development

and redevelopment of properties / *Projet de loi 83, Loi créant des logements à prix abordable en permettant aux municipalités d'offrir des stimulants pour l'aménagement ou le réaménagement de biens-fonds.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Mr David Caplan (Don Valley East): The current Municipal Act specifically prohibits a municipal body from offering financial assistance to any enterprise. This bill, if passed, will create an exemption to this rule, enabling municipalities to provide financial assistance to an affordable housing project. The bill also allows municipalities to define what types of affordable housing projects will qualify for assistance. If this bill passes, the city of Toronto, for example, will be able to expand its Let's Build program campaign to the private sector.

I'm gratified that there are municipalities that are willing to show leadership on this issue. Passage of this bill as soon as possible will allow projects to be initiated and housing to be built and redeveloped. Tenants desperate for affordable housing and municipalities prepared to act to bring solutions should not be forced to wait.

I'd like to especially thank the invaluable contribution of Sybil Frenette and Joan Jylanne at the region of Waterloo and Evan Wood and Mark Guslits at the city of Toronto for their initiatives in this regard.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I ask for unanimous consent that this bill, because we all know that we're lacking social housing initiatives from the province and the federal government, be given second and third readings.

The Speaker: Is there unanimous consent to proceed? I'm afraid I heard some noes.

Introduction of bills? Motions? Government House leader.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): No, Mr Speaker, but somebody over here is calling me Dr No, and I cannot understand that, sir.

VISITORS

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd just like to take this opportunity to welcome a former opponent of mine in the last provincial election, David LaPointe, the NDP candidate in the riding of Elgin-Middlesex-London, and his daughter, Kourtney, to the Ontario Legislature today.

The Speaker (Hon Gary Carr): That's not a point of order, but we welcome our guests.

STATEMENTS BY THE MINISTRY AND RESPONSES

SENIORS' MONTH

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): It is a pleasure to rise today to celebrate seniors in the province of Ontario. I have two seniors here today as my special guests. Both were honoured at the International Year of Older Persons Legacy Awards. I ask my colleagues to welcome Lyla Commandant from Bala and Sarah Thompson from Belleville.

Lyla was the first woman chief of the Wahta Mohawk tribe. She has overseen major projects to strengthen cultural awareness of her people. Lyla is also a member of the Round Table for Ontario's Elder Abuse Strategy and we are very lucky to have her on that round table.

Sarah overcame near blindness and partial paralysis after a stroke to become a champion athlete in the games for the physically disabled. She has won the World Cup of powerlifting for the blind nine times, winning her last cup at the age of 80. She is an inspiration to us all.

Today is the first day of Seniors' Month in Ontario. Every year, June gives us the opportunity to acknowledge and to thank our seniors for the contributions they have made to this great province. But recognizing and paying tribute is just one part of the government's commitment to seniors. We are also dedicated to ensuring that they can live their lives in safety and with dignity in their later years.

The government of Ontario believes that it's the right thing to do, and that's why we spent a record \$22 billion this year in health care. Much of this is being focused on seniors to improve their medical supervision in home care settings, and that's why we announced new annual funding of \$6 million to have three new specialized OPP policing teams. This includes a senior assistance squad to help seniors avoid being scammed and to support any who have been victimized in the past. That's why the Office for Victims of Crime will be made permanent. It will include a seniors issue expert on staff to help seniors.

This funding complements programs that the government already provides for seniors in the province of Ontario: programs like the \$68.4-million strategy for Alzheimer's disease and related dementias; programs like the multifaceted strategy to combat elder abuse all across this province; and programs like Actifest, the Ontario Senior Games. Actifest demonstrates to all Ontarians that seniors benefit from a healthy and active lifestyle.

Today I would like to entice and encourage my colleagues to get active this month, to participate in events that include the seniors in their communities. Each week of June has different themes:

Week one is intergenerational week, and this is one of the programs that I feel the most strongly about. It's a week that highlights opportunities for seniors and youth to come together and to help one another.

Week two is caregiver week, a time to show appreciation for those who assist our seniors all across this province with their daily living needs.

The third week highlights ways in which seniors can be helped to live with dignity, and be safe and secure in their own communities.

The final week celebrates the volunteer efforts of seniors and the way in which they enrich the social, cultural and civic lives in each of our communities.

Recognition and respect for our seniors should go way beyond the month of June. We should make it a way of life in this province. After all, when we speak of seniors, we speak about our parents, our grandparents, our co-workers and our friends. This is a stage of life that awaits all of us. We should remember that the next generation will no doubt regard us in the same way that reflects what we have taught them about respect for our elders.

I ask each of us today to remember seniors and to work hard in this month of June to ensure that we recognize them and give them the thanks that they deserve for contributing to this great province of Ontario.

1400

Mr Mario Sergio (York West): I welcome the opportunity to respond, even though briefly, to the announcement by the minister. I also would like to congratulate the two seniors who are joining with us in the House to spearhead the month of June on behalf of our seniors. But I would also like to remind the minister that seniors are a group that is continually forgotten and neglected by the government.

If there is one particular thing that I agree with the minister on today in her statement it is that our seniors in Ontario should be recognized well beyond the month of June. They should be recognized every day, every year, every month. They are the group that gave us what we and our families enjoy today, the freedom and the benefits of their long lives.

While there are many good seniors in our province enjoying the well-being of life, there are far too many living in poverty and well below the poverty line. This is the group that the government continuously fails to come to grips with and to respond to the needs of, including the latest budget of this government. It has failed to address the needs of our seniors in Ontario.

I'm sure every member of this House has to deal on a daily basis with the plight of our seniors. They have to deal with providing for their food and quality of food or shelter or drugs. I don't have to tell you the needs of seniors today. The older they get, we say, the more help they probably have to receive. Long-term care is one issue which must be addressed on a regular basis, and again the government is failing to recognize the needs of those seniors.

If we are really serious about recognizing seniors, and not only every June, I would say to the government, let's make a real effort, let's recognize the seniors for who they really are, what they really need, and do it on a regular basis. Only then we can say that we are doing justice, that we are giving them the dignity they

deserve—because indeed they do deserve it. I urge the government to spend the money to allocate the necessary funds and really give our seniors the dignity they deserve.

Ms Caroline Di Cocco (Sarnia-Lambton): It is my pleasure as well to congratulate Lyla Commandant and Sarah Thompson on the achievement of being honoured with the International Year of Older Persons Legacy Award. My congratulations.

The contributions of our seniors are something that all of us of course want to extol, because they are very well-deserved. We also have a greater responsibility and that responsibility goes across all the various ministries—the ministries of housing, long-term care and health care—because as one gets older one becomes more vulnerable. Unfortunately, this province is failing, for instance, to ensure adequate enforcement of standards for some of our seniors' institutions. The city of Toronto has been frustrated by the province, which has failed to help as required.

The other issue of vulnerability, of course, is that they are among the most vulnerable when it comes to the E coli issue that has taken place. Again, we have this area of our society that is growing in need, because the demographics say we are an aging population. One of the issues has to do with cataract surgeries, that as that need increases, this government decreases the numbers and the funding to assist in providing extra cataract surgery.

In my riding hundreds of seniors have come and spoken to me about the long waiting lists so that they could maintain their quality of life, and cataract and eye surgery do help to maintain the quality of life for people who live an active life today. We live longer, but these needs are also there. We can extol all our accolades of the wonderful contributions such as our veterans from the First World War and the Second World War—that is very well deserved—but the province has a deeper responsibility to meet the needs that our aging population continues to have throughout this century.

Ms Marilyn Churley (Broadview-Greenwood): I will respond on behalf of Frances Lankin, our seniors' issues critic, who is not here today because she's been at her mother's bedside since yesterday, and I think we would all want to tell Frances, everybody in this House, that our prayers are with her mother today.

I appreciate the opportunity to honour seniors in Ontario on this first day in June, Seniors' Month. We join very much in the salute to Lyla Commandant and Sarah Thompson, two seniors who are an inspiration to us all, and not just because they're seniors but as human beings who are accomplishing great things. When we talk about seniors—as probably the most senior member in our caucus and I'm sure the only grandparent, I can speak with authority on this—sometimes we get patronizing. It creeps into our voices a little bit. But seniors are just older people who are out there doing great things and have contributed tremendously to our society. The social safety net that we have today, the fine health care system, the public health care system, are all there because the

seniors worked very, very hard to build that system up over the years.

I know that many seniors are very concerned these days that we are tearing the social safety net out from under us and those institutions they have built are starting to crumble. I would like to take this opportunity to say to the government that I know many seniors advise the minister of these issues—we're all aware of them—and that the government should pay close attention to the advice they give, because they know, they remember, what it was like before we had those social safety nets in place. They remember what it was like before there was universal medicare.

I did hear the minister today try to portray the Conservative government as a friend to seniors, but we have to bear in mind as well, and we cannot sweep this under the ground, that the aging population is a population that is getting deeper and deeper into poverty. I have a press release by the Daily Bread Food Bank entitled *Seniors Losing Ground in Poverty Battle: A Stealth Attack on Seniors*. It says that from 1995 to 2000, "seniors in our society seem to have lost substantive financial ground, a development that has occurred almost unnoticed." It goes on to say that seniors' percentage of food bank users has moved from about 6% in 1995 to 11% in 2000. That is a shameful piece of information that we have to do everything we can to reverse.

The other issue I'd like to raise briefly today is that Frances Lankin, also our health critic, exposed the government's decision to stop annual inspections of nursing homes. The health minister waffled at first. She tried to blame the NDP, then promised a full review, and we haven't heard anything since. I urge the minister today to come forward immediately and tell us what her plans are to aid these most vulnerable people in our society.

Finally, I want to take this opportunity to say to the minister again today that we are still waiting for the Ontarians With Disabilities Act that was promised in a letter written by the Premier before the election in 1995. It is absolutely essential that the government come forward with that bill so we can take it to committee. Let's face it, as we all age here—I'm not that senior to everybody as I look around the Legislature—we're all going to be seniors soon. It's not just seniors, however, who have disabilities. In all walks of our society, there are those who need not just extra help and protection but opportunities built into our society so that we can all participate fully.

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ORAL QUESTIONS

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Deputy Premier. Minister, we have spent some considerable time this past week, and quite

rightly so, talking about the Walkerton tragedy. We've dwelled on the social and environmental aspects of that. Today I want to touch on another important aspect, and that is the economic aspect of all of this, the fact that the people of that community are experiencing an economic disaster.

People there have been without water for 11 days now, and I understand that yesterday officials informed them that it's going to be at least another 30 days and possibly as many as 42 more days before water will be safe to drink in Walkerton. While these people wait, businesses are suffering badly. Hotels are vacant, restaurants have been closed, tourism is non-existent. Families and the municipality itself are having to meet extraordinary costs. How much longer will the people of Walkerton have to wait for you to provide financial assistance?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): I believe the leader of the official opposition is aware that the Premier has been quite clear that all of the resources of the province of Ontario are available to the people of Walkerton and we will do whatever it takes to make sure they are assisted in whatever way possible.

Mr McGuinty: I have heard the Premier's utterings and musings on this very important issue, but there has been no firm commitment. I will remind the minister that it was within two weeks of the ice storm that affected eastern Ontario that there was an emergency meeting of the cabinet and a \$50-million fund established. Nothing of that nature, to my knowledge—you can correct me if I'm wrong—has been done to help the people of Walkerton to this point in time.

People there are also very concerned about their personal and household expenses. People have put up members of their family in hotels; they themselves have had to stay in a hotel if they're visiting a loved one at a hospital in the community of London. They're worried about having to pay for having their plumbing flushed, for having pipes replaced, faucets replaced, showerheads replaced, garden hoses replaced, plants thrown out, and many, many other things of that nature.

Again I ask you, why have you not, to this point in time, set some money aside and put in place a compensation plan?

Hon Mr Eves: I don't believe it is necessary to quote an exact dollar amount. The Premier is on record as saying that all of the resources of the province of Ontario are available to the people of Walkerton and that they will be made available to assist them in any way, shape or form. I wouldn't want to limit the amount by prescribing a specific amount in a fund which in fact may turn out to be too little.

Mr McGuinty: I'm not asking you to here and now fix a precise amount for compensation. What I'm asking you to recognize is that this an economic disaster as well as a social and environmental disaster. You have to respond on an emergency basis. You should have had by now an emergency meeting of the cabinet. The cabinet met yesterday; you could have committed some specific amount at that point in time. What I'm telling you, Min-

ister, is that you have not risen to the occasion and put in place a specific compensation plan that begins to let the people Walkerton know that you have a real commitment to helping them address their financial needs. I ask you again, on their behalf, when will you be releasing your compensation plan that's going to help the people of Walkerton overcome their financial challenges?

Hon Mr Eves: To the leader of the official opposition, yes, there was a cabinet meeting yesterday. The cabinet, the government of Ontario, is quite aware of the problems of the people of Walkerton. I don't think, however, that they're going to be served by walking out of a cabinet meeting with a press release saying there are X numbers of dollars available for the people of Walkerton. The Premier has made it quite clear: All the resources of the province of Ontario will be made available to the people of Walkerton.

The Speaker (Hon Gary Carr): New question.

Mr McGuinty: My question is for the Minister of Health. Minister, I want to speak to you about your responsibilities when it comes to the Walkerton tragedy. You will know that rumours are swirling in Walkerton and in the surrounding communities when it comes to the effects of E coli and whether or not it happens to be contagious. There is a complete black hole, a complete void, when it comes to reliable information from you and your ministry. You are missing in action when the people of that community have been faced with the most important medical tragedy in their history. People are wondering whether or not they should in fact be throwing out their shower heads, whether or not they should be replacing their pipes. What do they have to do to their hot water tanks? Are kids from one community contagious if they come into contact with kids from another community?

This is a real concern for the people of Walkerton and people in surrounding communities, and you, Minister, have been missing in action. Why have you not stepped forward and put in place some kind of aggressive information program so that the people of Ontario, but especially people living in that community, can be better informed about E coli?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Our chief medical officer of health has been in ongoing communication and has personally visited Walkerton and will be visiting Walkerton again this weekend. He has been supporting the Walkerton medical officer of health. A public advisory, as you know, was issued on a local radio station on Sunday, May 21, to inform residents about the "boil water" order. Specific written advisories have been issued to schools and nursing homes and day nurseries regarding preventive measures. I can assure you that there have been ongoing communication and support provided to the medical officer of health and those who are responsible in that particular community.

Mr McGuinty: You know, it's funny that this minister has five million taxpayer dollars available to run on useless television ads attacking the federal govern-

ment. Where is your equally aggressive information campaign when it comes to informing the people of Walkerton and people living in the surrounding communities? Last night on TV I saw a boy—he must have been about 11 years of age, baseball cap on, chewing bubble gum—telling the reporter that he couldn't play soccer in an adjoining community because the people in that community were afraid of the people of Walkerton. This is a real issue for children and families living in Walkerton.

Where are the video cassettes being distributed to the people of Walkerton? Where are the pamphlets? Where are the radio ads? Where are the TV ads? Where are the newspaper ads? Where's the special page on the Web site? All of those things come within your offices as Minister of Health. I'm asking you, on behalf of those people, why have you not responded with an aggressive information campaign?

Hon Mrs Witmer: As the Leader of the Opposition knows, under the Health Protection and Promotion Act, the lead is with the local medical officer of health, and our chief medical officer of health has done everything possible to ensure that we support the local medical officer of health. In fact, we have indicated that we will assist them with additional financial and human resources, which we have done this week. There is the assistance of another medical officer of health there. We have provided advice in the investigation and management of the outbreak. We have a staff person on the scene. We have established contacts to clinical expertise and regional health services. We have provided laboratory testing of specimens. We have expanded laboratory testing services to respond to the increased demand. We have notified the Laboratory Centre for Disease Control about the outbreak. We have made additional air ambulance services available. We have asked the Ontario Medical Association to provide additional physician support to the area. We have had discussions with the regional hospitals to ensure that they have the appropriate resources, and we have again provided our assistance.

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We have provided an on-site mental health team with on-call services on the weekend and this week. The ministry has provided for the lease of a phone system to support the mental health team operating the Walkerton Hospital. We have contacted the Ministry of Community and Social Services to arrange for any additional services required in the area of children's mental health. We have arranged for additional CCAC supports and on-call numbers to facilitate speedy access for individuals requiring in-home services. The local LTC compliance adviser was on the site at the Brucelea Haven and is also available.

We continue to be in daily contact with the local health department in order to ensure that all the support that is needed is provided.

Mr McGuinty: I want to remind the minister that she is a member of the government that downloaded the responsibility for public health on to our municipalities. This is an extraordinary medical disaster, and you have a

responsibility to upload this issue at a minimum and to take responsibility for it. So far, you are failing to do that.

I will ask you again, where are the funding and the plan for an aggressive communications program to ensure that the people of Walkerton and the people living in the surrounding communities understand as much as possible about the implications of E coli and whether or not it is contagious? You have failed to do that to this point in time. I ask you again on their behalf, why are you not rising to the occasion, stepping into this matter and helping out the people of Walkerton?

Hon Mrs Witmer: I am very disappointed at the Leader of the Opposition's attempts to communicate information that is not accurate. The public health officials have always been under the jurisdiction of local government. It is not helpful for this information to be—

Interjections.

The Speaker: Minister of Health, take a seat.

The member for Kingston and the Islands is yelling and he's not in his seat.

Interjections.

The Speaker: Minister of Labour, come to order as well, and the member for Eglinton-Lawrence, come to order, please. Member for Hamilton East, come to order. Minister of Health.

Hon Mrs Witmer: Again I would remind the Leader of the Opposition—perhaps he is confused, but I don't think he would want to create an impression that's not totally accurate—public health has always been a municipal responsibility.

VISITOR

The Speaker (Hon Gary Carr): In the galleries on the east side is a former member, Ed Philip, from Etobicoke-Rexdale, who was a member during the 32nd, 33rd, 34th and 35th parliaments. Would all members please join in welcoming Mr Philip. I might add that he has some students with him as well.

Sorry for the interruption. New question.

WALKERTON TRAGEDY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Attorney General. I think we're all aware that the commission of inquiry into the safety of Ontario's water supply is a very important event in Ontario's environmental history. If this commission of inquiry is done properly, and we all want it to be done properly, not only should it answer the questions that arise out of Walkerton, but it could make very positive impacts on the health of all Ontarians.

But we have a problem. At the same time that you are saying you believe it should have a broad scope, your Premier is out there saying that as far as he's concerned, the events of Walkerton, Freelon and Shelburne have nothing to do with your government's dramatic cuts to the budget and staffing of the Ministry of the Environment.

What I want from you, Minister, is the assurance, the commitment, that in the search to find out what went wrong and what contributed to the tragic events at Walkerton, and in the search to answer the other questions about the water supply, the issues of your government's cuts to the Ministry of the Environment budget and cuts to the Ministry of the Environment staffing and your downloading of responsibilities from the Ministry of the Environment and your downloading of public health units will both be a specific subject of this commission of inquiry. Will you make that commitment today?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): This is of course a very serious tragedy that has happened in Walkerton. I invited the leader of the third party yesterday to convey to me his input with respect to what the terms of reference ought to be for the commission to be appointed. I urge him to do that without delay. The Premier has asked me to try to obtain the services of a commissioner and draft the terms of reference within 10 days of yesterday. I look forward to having input from the leader of the third party and other members of this House so we can get the terms of reference drafted.

As indicated yesterday in the House, I was asked by the Premier to draft broad terms of reference, and I would ask the member, if he is going to participate, as I expect he wants to, that he do so without delay.

Mr Hampton: I was hoping the Attorney General would stand on his feet and say, "Yes, of course those issues will be the subject of the inquiry." In fact, I've already sent to the Attorney General a detailed letter outlining what I believe should be some of the specific subjects of the inquiry. The Premier has received a letter, and I've got a copy of it here, from a number of citizens of Walkerton, who say, "We believe it is imperative that the investigation be completely impartial in nature and of the broadest possible scope, probing all factors and events culminating in the Walkerton tragedy." We know that since the tragedy of Walkerton, the towns of Durham, Shelburne and Freelon all have issued "boil water" warnings of their own.

Minister, it's a simple question. We know many of these issues have been raised by the medical officer of health in the Walkerton area. Will you commit now to ensure that your government's cutbacks to the Ministry of the Environment, both in terms of staffing and budget, and your government's downloading of many of the responsibilities of the district health units will be a specific subject of this commission of inquiry? Let us do the right thing. Please stand on your feet today and give us the unequivocal commitment that this is going to happen.

Hon Mr Flaherty: I think the people of Ontario quite rightly expect a full, open, independent, neutral commissioner to conduct an inquiry independently of government: independent of this government, independent of any government, municipal or otherwise. I welcome the input from the leader of the third party.

I've been given a copy of a news release from the New Democratic Party and it has attached to it a letter addressed to me. Although I have not received the letter itself, I have a copy of it here. If these are the concerns that the New Democratic Party wants me to take into consideration in drafting the terms of reference, I'll take them into consideration in doing so. If this is it, thank you. If there is more, I'd like to know. But I think it's premature at this stage, before hearing from the Liberal Party and from other members of the assembly, to say the terms of reference will include this or that. They will be broad, they will encompassing of the issues, and I look forward to further input from the members opposite.

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Mr Hampton: I want to take the Attorney General up on the offer. I will provide you with some further input. I want you to know that this letter was faxed to your office at 11:15 today, and our information is that your staff there received it.

One of the other issues the Premier has raised is he has said that a commission of inquiry of this kind will take a long period of time. I want to draw your attention to a commission of inquiry that I established as Attorney General, the commission of inquiry into systemic racism in the justice system. We asked that the commission of inquiry specifically provide an interim report so the most urgent matters that could be dealt with immediately were taken up by the commission of inquiry, and they were able to provide us with a report very soon the next year.

Minister, you can do the same thing here. Some of the issues, such as your government's cuts to the Ministry of the Environment in staffing and budget, your government's downloading of medical officer of health responsibilities and health unit responsibilities, the issue of the possible contamination of water by runoff from so-called factory farms—none of these are likely to be the subject of a criminal investigation, but the medical officer of health has said that he believes they are important matters that must be looked at.

I'm simply asking you, will you make those commitments: Ask for an interim report from the commission of inquiry and ask them immediately to proceed to investigate these matters, which are highly unlikely to be the subject of a criminal prosecution?

Hon Mr Flaherty: I thank the member opposite for the question. I think we need to keep things in order here on behalf of the people of Ontario as we collect the ideas with respect to the terms of reference for the commission that will take place.

First of all, we need to draft the terms of reference, and I think the member for being involved in that and understand he will send more thoughts and ideas about that.

Secondly, we need to obtain the services of a commissioner, either a judge or a retired judge. In order to do that, I may well have to discuss the proposed terms of reference not only with the intended commissioner, once one is intended—and I can tell you that I don't have anyone in mind right now as I stand here—but also I may

have to discuss them with the Chief Justice of the relevant court if the judge is a sitting member of one of our courts in Ontario.

So I urge the members opposite and the members of my own party to provide their concepts and ideas with respect to terms of reference as soon as possible. I hope to proceed in an orderly way.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of the Environment. I was hoping for a more positive response from the Attorney General. I hope now to get a positive response from the Minister of the Environment.

E coli was detected in Walkerton, then Freelon, then Shelburne. The people of the town of Durham awoke this morning to see that they've received a "boil water" directive because of problems with their water supply. The commission of inquiry is important, but there are other important matters that need to happen right now. People elsewhere in the province need to know that their chlorination systems and their water supplies are working properly. They need to know what kind of reports your ministry has, what kind of audits your ministry has.

Will you today, Minister, order the release of all of your ministry's most recent information on the quality of the drinking water and the reliability of the chlorination systems for every municipality in Ontario? It's a very reasonable request. Let's put other municipalities at ease. If there are problems, we should let them know. Will you make that information available today?

Hon Dan Newman (Minister of the Environment): I believe there is a drinking water report listed on the ministry Web site with respect to the quality of drinking water in this province. I would encourage the leader of the third party to go to that Web site. It does have the information there.

I also want to point out that on Monday, when I announced a regulation that would be coming forward, part of that included that all certificates of approval for all water facilities in this province will be reviewed. So each and every certificate of approval throughout the province will be reviewed. Further to that, I've also indicated that every three years all certificates of approval in Ontario for water facilities will be reviewed. That will be part of the regulation. That will be given the force of law by the very nature of it being a regulation.

Mr Hampton: I can't believe this minister. We have a tragedy. Seven people have died and we know they died as a result of dirty water. The coroner suspects two others may have died as a result of that dirty water. We've got community after community reporting E coli or having "boil water" directives. I ask you to release the reports on the water quality test results, to release any audits showing the reliability of their water treatment plants, particularly the chlorination systems, and you tell people to go to a Web site. Minister, we've gone to that Web site. It is embarrassing how skimpy the information is.

Your response to me is to say, "Oh, well, we're going to do things three, four, five, six months down the road." That's not good enough. Is the real problem this, Minister, that you don't have the audits or that the audits you have are so incomplete they're embarrassing, that you don't have the results of the water quality testing or that the skimpy results you've got are so embarrassing? Is that the real problem, that you cut so much out of the Ministry of the Environment that you can't even provide that information any more? Isn't that the case?

Hon Mr Newman: Nothing could be further from the truth. All I've indicated is that information is there for the public. It's there on a Web site. That's a way people communicate information these days. That information is there for the public to see.

To say this government doesn't take this situation seriously is wrong. That's why on Monday I stepped forward with the four points of my plan that will be in the form of a regulation. The situation is still unfolding. It's been on for about 10 or 11 days right now. On Monday I stepped forward with what I think is a very positive regulation package. I know it's been well received by people across the province, and I would hope the member opposite finds it a worthwhile regulation as well.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): I have a question for the Treasurer. I want to ask a senior member, I think the second-most powerful member in the government, a long-time member of this Legislature, in the context of seven people having died in Walkerton and hundreds of others dreadfully ill.

I point out to the minister that the Ministry of the Environment staff has been cut by over 900, including water and sewage inspectors. They've removed 80% of the water sampling locations in the Great Lakes. They've reduced the number of water monitoring stations by 500. There's a real question about being able to conduct surface water monitoring north of Barrie, Ontario. Ministry of Natural Resources staff has been cut by—what, John?—50%, something like that, millions from the budget, conservation authorities badly damaged. In other words, the government is not in a position to be able to easily respond to these difficult problems that have been created because of very substantial and deep cuts.

My question to the Treasurer is, will you now give an undertaking to this House that the budgets of the Ministry of the Environment and the Ministry of Natural Resources will be restored so that those two ministers are able to carry out their responsibility of protecting the drinking water in this province?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): I think the Minister of the Environment can respond with respect to the specifics of his particular ministry.

Hon Dan Newman (Minister of the Environment): As you know, and as I indicated in the past, there are several positions that were transferred from the Ministry

of Environment and Energy back in 1995-96 to the Ministry of the Environment. That was, I believe, almost 140 positions. There were other positions that were transferred to Management Board Secretariat in the shared services bureau.

Are there fewer staff in the Ministry of the Environment? The answer is yes. In fact, you can say yes across all of the ministries. Efficiencies were to be found. We were in a province that had an annual deficit of \$11.3 billion. We were spending \$1 million an hour more than we were taking in. Government needed to be reformed. All ministries saw reductions in their budgets, saw reductions in staffing levels, and the Ministry of the Environment was no different.

Mr Bradley: I'm going to go back to the Treasurer. I think he'll find this more in the focus of his responsibilities. They send up the Minister of the Environment. He doesn't have any resources or any staff to do the job with, and he has to give answers in this House. I want to try to get some staff and some resources for his ministry and for natural resources.

1440

Treasurer, I believe this week has been a defining moment for your government in that we have seven people who are dead in Walkerton, others who may be dead as a result of water which is poisoned, we have hundreds of people dreadfully ill, and yet we have huge cuts in the Ministry of the Environment and the Ministry of Natural Resources. The water supply of this province, because of those kinds of cuts, is at much greater risk than it was previous to those particular cuts.

I've listened to what a lot of people have had to say in this province, and that's why I ask the question of you specifically and not of the Minister of the Environment. Mr Treasurer, will you now give an undertaking to relinquish the opportunity for a good public relations gesture of sending out a \$200 cheque to everybody in the province who would be eligible? I realize you made that commitment in the budget, but I think people would understand if you changed that commitment. Will you now utilize that \$200 that you're sending out to people in this province to protect the environment, and specifically the drinking water in Ontario?

Hon Mr Newman: I'll redirect the question to the Minister of Finance.

Hon Mr Eves: First of all, let me deal with a couple of the issues that the honourable member raises. With respect to the \$200 cheque for people, I would like to remind the honourable member it is their money. It is money that they have paid in income tax to the province of Ontario. It is a form of a tax reduction, a very direct tax reduction, to the people of Ontario. We're returning to them their money. It is their money, to do with as they wish. They may redirect it anywhere they want. It's their money, after all. With respect to that issue, that is the answer. The budgetary document of the province outlined specific tax reductions and other measures taken in the budget. That happens to be a specific tax reduction measure.

With respect to the amount of resources that will be available to address the situation in Walkerton, the Premier has made it quite clear, as I said in response to the honourable member's leader in the first question, that all the resources of the province of Ontario will be made available to the people of Walkerton to deal with this particular problem. Whatever it takes, the government will be there to fulfill its duty and its responsibility to the people of Walkerton.

Mr Howard Hampton (Kenora-Rainy River): On a point of order, Mr Speaker: In an earlier answer the Minister of the Environment told me to go to the Web site. I want him to know that the Web site is from 1997. That's how out of date it is.

The Speaker (Hon Gary Carr): That's not a point of order.

PREPULSID

Mr R. Gary Stewart (Peterborough): Today my question is to the Minister of Health and Long-Term Care. This morning I spoke to Mr Terence Young, a former member of this Legislature, who earlier this year had a family tragedy.

Interjections.

The Speaker (Hon Gary Carr): This is a very serious question. Order, please. I'm sorry to interrupt the member for Peterborough.

Mr Stewart: We discussed media reports that there are suspicions that the drug Prepulsid, used for gastrointestinal treatment, may cause serious side effects, even death, for those who take it. We also heard that Prepulsid is being removed from pharmacies. Minister, could you please inform the members of this House of some of the details around this product?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The federal government, Health Canada, is responsible for drug safety. They have advised the Ministry of Health—this was received on May 31—that Prepulsid be removed from pharmacies by August 7, 2000, due to the possibility of rare but serious heart complications, including irregular heartbeat rhythms and sudden death. I can tell you that we are now taking immediate action to remove Prepulsid from our formulary. A regulation change has been proposed in keeping with Health Canada's notice. We are developing an action plan in order that we can respond to those who are in need of this particular product.

Mr Stewart: I understand that your ministry could have an active role to play during this situation. Could you tell the members of this House what your ministry is doing to expedite the removal of Prepulsid from the Ontario drug benefit plan and inform health professionals in Ontario?

Hon Mrs Witmer: We have now drafted the regulation change that will become effective immediately. We are working co-operatively with the pharmaceutical association as well as the Ontario Medical Association and the Ontario Hospital Association in order to inform

all of those health professionals of this decision. We have begun to notify all pharmacies. We know that Health Canada has also sent a note to all health professionals informing them of their decision. We are developing, as I say, a plan to respond to the needs of the ODB recipients who are presently taking Prepulsid.

SAFETY-KLEEN SITE

Ms Caroline Di Cocco (Sarnia-Lambton): My question is for the Minister of the Environment. Your ministry fast-tracked an expansion of a hazardous landfill site in 1997 in Moore township, and it has become the largest hazardous toxic waste site in Canada. This site is on an aquifer and, as you know, connected and in close proximity to the Great Lakes. There are also wells that are used in that area.

I've been knocking on your ministry's door for a long time now with concerns about the integrity of the site and the groundwater contamination. What other consequences or tragedy has to happen before you put a full-time inspector and a geotechnical engineer on that site to oversee the complex and serious repairs that are being done there?

Hon Dan Newman (Minister of the Environment): I want to assure the member opposite and, in fact, all the people who live near that landfill site that we're taking every action possible to handle the situation in order that we can safeguard their health and their environment. I think this is very important.

We ordered the closure of the Safety-Kleen landfill on December 14, 1999, because of concerns over methane gas and water seepage in that area. As a result of the closure, the company submitted additional technical information on subcell number 4. The review indicated that the integrity of the cell could be maintained by fortifying the inner seal of that cell.

Ms Di Cocco: You didn't answer my question though because, you see, this is basically a site that's self-monitored. Again, a site of this magnitude is nowhere else in Canada. The aquifer, I'll remind you, is connected to the Great Lakes. All we're asking is that you put a full-time inspector on the site and that those repairs be monitored by a geotechnical engineer from your ministry to oversee the repairs. Safety-Kleen is doing all its own monitoring.

Hon Mr Newman: On December 24, 1999, the ministry revoked the previous orders and Safety-Kleen was permitted to reopen. A subsequent order was issued to ensure that the site was operating in a safe manner. It's important to note that a portion of the site still remains closed pending the ministry's approval of the company's remediation plans. Part of the site remains closed.

It's important to note that there was a six-point plan brought forward by my predecessor dealing with hazardous waste in this province back in September. It's an ambitious plan that's been brought forward. Hazardous waste regulations in this province have been greatly enhanced. Some of the proposed changes have already been

implemented. We're working to ensure that the rest of the plan is put in place for the people of Ontario.

WORKPLACE SAFETY

Mr John O'Toole (Durham): Before I ask my question, with your indulgence, I'd draw your attention to the members' gallery where the real Gerard Kennedy is in attendance.

My question is to the Minister of Labour. I'm sure everyone here has heard about the tragic case involving the death of young David Ellis that occurred just over a year ago. David was only 18 and on his second day on the job. It's come to my attention that a decision in the court case was rendered just this morning. Minister, can you give the House an update on the outcome of that hearing?

Hon Chris Stockwell (Minister of Labour): I thank the member for the question. The Ontario Court of Justice rendered its decision today at 9 o'clock, and 1169711 Ontario Inc, operating as New Sun Cookies, was fined \$62,500, a former supervisor was jailed for 20 days and another supervisor was fined \$7,500. I think this sends a clear message to the employers in this province that they must take their responsibilities towards health and safety in the workplace very, very seriously. We in this government are committed to creating an Ontario where young people are free from workplace injuries and illness. I know our sympathies go out to the family of the worker in this case, and I think if there's any hope for change and control, this kind of decision that was rendered today would go a long way to doing that.

1450

Mr O'Toole: Thank you for that response. It's a very appropriate response on June 1, Injured Workers' Day. I think the outcome of the case clearly demonstrates that employers and supervisors must take their responsibilities for health and safety in the workplace very seriously. At this time of year thousands of young people are entering the workforce, many for the first time. Minister, what is your ministry doing to ensure and prevent accidents like the one David Ellis had from ever happening again?

Hon Mr Stockwell: This is a non-partisan issue, obviously. It's something that I've spoken to many members of this House and this caucus about. I've talked to the member from Peterborough about the pilot project there, and the member up in Thunder Bay, and others. Obviously no one wants to see an unsafe workplace where some young person gets injured or killed at work. Nobody could not want the full hope and force of the government to try and create these safe work places. Our government made this commitment to the young workers in the health and safety regulations.

Statistics show that young workers are at very special risk. It's crucial for them to be armed with the proper information they need to have a safe and healthy workplace. There are a number of excellent programs to teach young workers about health and safety, that are now in

place. Health and safety objectives in the curriculum will be taught in all grades from 9 to 12 by 2002. We've had two young worker health and safety meetings and we expect that a youth health and safety advisory committee will be created.

If any member of this House has any plans, pilot programs, ideas about a safer workplace for the young people in the province, please come and see me. I don't believe anybody in this place believes this to be a parochial or self-serving issue. It's something we all believe in and I would ask that you participate in creating programs that make workplaces safer.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Attorney General. You're wrestling with the issue of the commission of inquiry and the terms of reference. In answer to questions, your colleague the Minister of Agriculture has said that he doesn't know what caused Walkerton's dirty water problem. But then he quickly declares that manure from huge cattle and hog factory farms is a quality product that's never polluted the province's waterways. Quite a stunning conclusion, especially when we learn that a factory farm near Napanee is facing 11 charges for discharging barnyard effluent into Lake Ontario's Bay of Quinte and that a Huron county factory farm operator is being investigated for two raw sewage spills, one in Lake Huron.

I know, Minister, that your government had a task force that looked at farm effluent, farm nutrient management, but you're afraid to release that report. I suspect you're afraid to release it because it probably contradicts some of the things the Minister of Agriculture and the Premier have been saying on the issue of poor water quality and polluted water.

My question for you is this: Would you ensure that this report is released and would you ensure that this report and the matters it deals with are part of the terms of reference of the public inquiry you are now in the process of setting up?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I'll refer the question to the Minister of Agriculture.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): To the leader of the third party, I want to say that the safety of water is very important not only to public health but to all our farming community in Ontario.

I just want to quickly mention the issue of manure never having polluted water. I'm not suggesting that someone misquoted it, but if that's the way it came out, I can assure you that was not the intent. Properly applied, the waste from animals does not pollute water. If it's improperly done, as in the cases the member opposite mentioned, obviously the law needs to be enforced. Nobody in this province, including farmers, has a right to pollute our environment or our water courses.

It's also very important to recognize that the issue we were discussing is going to be looked at, and they're looking at the present time. Our ministry and all other ministries are helping with the investigation to make sure we find out where the problem that is in the water came from. We hope to deal with that when it arrives.

The consultation process that the member refers to was conducted for the very purpose the member mentioned. Farming in Ontario has been changing over the last number of years and a lot of concerns were being expressed as to whether we were keeping up with the changes in agriculture and what more could or should be done. Our consultation process has been completed and we are reviewing the report.

Mr Hampton: I'll be sure that I send the minister's comments on to the two trials where the two farmers in question are before the courts, because I think you pretty much definitively said that some are guilty and others are not.

But that's not what I asked you. You've had this task force report for some time. This task force report deals with the issue of effluent and nutrient management from, among other things, these large factory farms. This is a study by Health Canada which links the E coli contamination of water to farm runoff. It also points out that Walkerton is one of the hot spots in Ontario for this. This is very serious stuff, yet you're sitting on a report which I believe could go to the heart of the matter. I asked you and I asked the Attorney General: "Make the report available or make sure that this is a subject of the public inquiry." Are you or are you not interested in getting to the bottom of this issue? If you are, this information should be made available now. We shouldn't have to ask for it day after day.

Minister, will you make that report available now and will you make available any other reports within the Ministry of Agriculture which deal with this issue? Will you commit today that you will speak to the Attorney General, who should have answered this question, and will you assure us that these issues will be the subject of the terms of reference of the commission of inquiry into the safety and the water quality of our province?

Hon Mr Hardeman: I just want to point out, as the leader of the third party mentioned, that we did have the consultation process with the two parliamentary assistants who went around the province. They spoke to some 700 people who attended the meetings to deal with nutrient management and the enforcement of nutrient management planning for the farmers. Some 200 people made presentations; 400 people put their comments forward in a report. We received the report from the parliamentary assistants about mid-April. We are reviewing that report. The recommendations that are made in the report will be addressed through introduction of legislation that will deal with those issues. We can assure the House that in the next number of weeks we will be bringing forward both the report and the ramifications that we will be putting forward to deal with that report. We look forward to presenting that to all the members of the—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

1500

LOYOLA ARRUPPE CENTRE FOR SENIORS

Mr Gerard Kennedy (Parkdale-High Park): We heard earlier how this is Seniors' Month, and we heard the sentiments all around the House on how seniors should be treated. My question is for the Minister of Municipal Affairs and Housing, and it's about his mistreatment of seniors. Particularly, behind me are 39 seniors from the Loyola Arrupe Centre. Those 39 seniors are part of 200 residents you have caused to live in anxiety about their homes because you, and you alone, took the unusual measure of pulling their subsidies on May 1, of taking away the things they're entitled to instead of sitting down and negotiating issues with their board.

I approached you, other people have approached you, 60 businesses have signed forms, 600 people have signed petitions, and for 30 days you had them live in anxiety. Then, two days ago, you let the bank step in and put this non-profit centre into receivership—not because it was badly run, not because it was bankrupt, but because you took the subsidy away.

On the first day of Seniors' Month, will you stand up and tell the seniors of Loyola Arrupe that you will restore their subsidy, that you will let their board get on with the work of making sure that they have a safe, secure and comfortable place now and in the future?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I want to assure the honourable member and anyone else listening in that our number one priority is in fact to protect the seniors, to protect the tenants involved in this unfortunate situation, and I can assure the House on that.

The honourable member has unfortunately left out some important details respecting this particular situation. The Loyola Arrupe housing complex has a total accumulated debt of \$4.115 million that has accumulated over the years. We as a ministry were concerned about this, not only on behalf of the taxpayers but on behalf of the viability of the seniors' complex, because accumulated debts would start to eat into the quality of the existence of the seniors found in those two complexes. We set out a series of conditions—we wanted to work with the board—to get them back on to financial health, and 29 out of the 53 conditions have not been met to this date. Earlier today I extended by 30 days the deadline by which the board can meet those conditions, and I want to work with the board and with the tenants to get to a better situation in this regard so that this complex can provide a high quality of life for the seniors found in the complex.

Mr Kennedy: The minister is not providing the seniors with the security they deserve. He put them into a position of receivership unnecessarily and broke his own operating agreement with this group of seniors. The debt that exists there is because this ministry took a whole

space away that was supposed to be seniors' apartments and left it empty year after year, paying taxes and accumulating all kinds of banking costs.

There are two things that the people in my community want, and they are reasonable, inevitable things if you are going to respect these seniors. They want you to withdraw your letter and your abuse of power in taking away their subsidy. The only way the board of directors can work—they've met 28 of your 30 conditions. We can discuss the numbers outside the House. Let them work to resolve the problems. Then we want you to have an investigation into what your ministry has done to undermine the viability of that centre and of these seniors' futures.

It's Seniors' Month. There has been a month, 30 days, of anxiety where you've refused to act. All kinds of people have approached you and said, "Why are you being this unreasonable?" You know there was a report done about problems associated with this building in the past, perhaps involving your ministry officials. I don't know if you want to cover that up, because you took that report off the table. I don't know if you're downloading social housing and you're trying to do it in a rushed way, but I do know this: We will not let you harm these seniors, take away their elderly persons' centre, take away their low-income meals. We won't let you do that. This is your chance to assure these seniors, to guarantee to them that they will live in the condition they are now and in the future, no matter what the technical problems are, to meet those two reasonable conditions that they are here to ask of you today, and then to meet with them outside the House because they want you to explain what you've done to them.

Hon Mr Clement: I find myself not quite knowing what the honourable member is talking about in some of his allegations. We have been in fact communicating with the seniors, the tenants, in the two complexes. Of course, their health and their security and the viability of the project is uppermost in our minds. I can also tell this House that there have been two independent audits done of the circumstances surrounding the allegations that the honourable member apparently is referring to, and both independent audits indicate that there is no evidence of ministry misinvolvement or untowardness by ministry officials.

So if the honourable member has any other additional evidence, certainly we would take that under advisement, but based on the independent audits, we see no reason to question the ministry officials. Our entire focus is on ensuring that these properties are viable so that the seniors who live in them have a quality of life and some security of tenure, but that requires financial viability. As I mentioned before, the accumulated debt is over \$4 million. We have a responsibility not only to the taxpayers but to those seniors in those buildings to work with the board and work with the tenants to ensure that these projects are financially viable. That is uppermost in our minds, and we will proceed on that basis.

DOMESTIC VIOLENCE COURTS

Mrs Julia Munro (York North): My question is for the Attorney General. This government has a track record of putting victims at the forefront of the justice system. In 1996 it enacted the Victims' Bill of Rights, which established a fund for victims' services. In 1999 it created youth justice committees which actively involved victims in the development of appropriate penalties for young offenders. I ask the Attorney General what this government is doing specifically to support victims of domestic violence.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): Our government recognizes that domestic violence is a serious crime with serious repercussions for the abused and their families. That is why our government has made and continues to make a real commitment to supporting the victims of domestic violence and holding offenders accountable for their actions.

Since 1996 our government has built the largest domestic violence court program in Canada. Last year, we doubled the number of domestic violence courts from eight to 16. In the recent budget an additional \$5 million was provided for the expansion of domestic violence courts. That will permit the expansion of those courts by eight additional courts, for a total of 24 province-wide. The \$10-million annual investment in community safety fulfills the promise the members on this side of the House made to the people of Ontario during last year's election. It is a major step in our government's plan to support victims of domestic abuse.

Mrs Munro: I was pleased to hear the recent budget announcement of an additional \$5 million for the domestic violence court program. However, I am uncertain how these funds will directly benefit the people of my community. Minister, could you please outline how this \$5 million will be used?

Hon Mr Flaherty: All Ontarians have the right to be safe, to live free of fear, particularly in their own homes. Domestic violence courts have been proven to be an effective way of providing a more coordinated and consistent response to abuse. Victim support is a crucial component in the prosecution of domestic violence cases. Through the expansion of the domestic violence court program, we will be able to provide more support to victims, improve evidence collection, intervene early in abusive domestic situations by referring first-time offenders to an intensive counselling program and therefore prosecute domestic assault cases more effectively and help to end the cycle of violence.

1510

OAK RIDGES MORaine

Mr Mike Colle (Eglinton-Lawrence): My question is to the Minister of Municipal Affairs. I have a letter here that you and the Minister of Natural Resources and the Minister of the Environment signed on May 29. This

letter is a response to an appeal made by citizens' groups under the Environmental Bill of Rights asking your government to put in place tough new rules to protect the Oak Ridges moraine. You and your fellow ministers categorically refused in your response their appeal to bring in new planning rules to protect the moraine. You basically said, "We're going to protect the status quo and do nothing."

Then this morning, in an amazing effort to try and stop another effort by the member for Nickel Belt to protect the moraine in her private member's bill, you and 12 other ministers came into this chamber and voted against a great bill that would have protected the moraine.

Minister, when are you going to stop pretending the moraine is safe? When are you going to stop pretending that your government is interested in the moraine and do what everybody across the GTA, from Caledon to Clarington, wants you to do: stop listening to developers and put an immediate freeze on development in the moraine and put in some tough plans, some tough legislation that protects the water, the wildlife and the communities across the moraine? When are you going to take some action and stop pretending?

Hon Tony Clement (Minister of Municipal Affairs and Housing): Indeed the honourable member is incorrect in his allegations. In fact, we are quite involved, as he knows, in the OMB hearing, taking a position on behalf of the provincial interest. Perhaps the Liberals on the opposing side don't understand this, but the best way to protect that moraine and indeed to protect Ontario is to have the proper balance between the development for our citizenry and the environmental protection that he evidently sees as important. So it is wrong to say that we're doing nothing; we are protecting the position that is the provincial interest.

The honourable member referenced the private member's bill this morning. My personal opinion is that to go back to the John Sewell style of planning process that bill represented is a regressive, retrograde step. It will not advance the principles of balanced development in the province of Ontario. The NDP planning processes are a failure. To go back to those failed processes is something that I cannot countenance, despite the fact that the Liberals want to be just like the NDP.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I rise and seek unanimous consent of the House to insert in today's record of proceedings that Dr Richard Schabas, who had been the chief medical officer of health in the province of Ontario, in fact resigned that position in 1996 because of his concern about provincial downloading of Ministry of Health protections to municipalities. I seek unanimous consent to have the record accurately reflect what my leader said and to accurately reflect—

The Speaker (Hon Gary Carr): Is there unanimous consent? No.

VISITORS

Mr Bruce Crozier (Essex): On a point of order, Mr Speaker: I know that you, along with me, would like to welcome the students and chaperones from Monseigneur Augustin Caron elementary school sitting in the east gallery.

The Speaker (Hon Gary Carr): We welcome our guests.

PETITIONS

EDUCATION LEGISLATION

Mr James J. Bradley (St Catharines): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers;

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I affix my signature as I'm in complete agreement with the sentiments expressed in this petition.

FARMFARE PROGRAM

Mr Bert Johnson (Perth-Middlesex): I have a petition I'd like to present on behalf of a friend of this Legislature, a friend of democracy, a friend of nearly everybody I talk to in Toronto, the Honourable Chris Stockwell. It's to the Legislative Assembly of Ontario.

"Whereas the government of Ontario introduced farmfare on September 21, 1999, to supplement their workfare program, forcing social assistance recipients to work on farms for their benefits;

"Whereas the Harris government of Ontario has not provided any consultation or hearings regarding this initiative;

"Whereas the Harris government has excluded agricultural workers from protections under the provincial labour code by passing Bill 7;

"Whereas this exclusion is currently being appealed under the Canadian Charter of Rights for infringing on the right of association and equal benefit of law;

"We, the undersigned, petition the Legislative Assembly of Ontario to retract the farmfare program until hearings have been held and to reinstate the right of agricultural workers to allow them basic human rights protection under the labour code of Ontario."

I will sign this so that it is a properly presented petition.

OAK RIDGES MORaine

Mr Mike Colle (Eglinton-Lawrence): I've got thousands of petitions that come in every week trying to protect the Oak Ridges moraine. Here's one from people from Newmarket, Bradford, King City, beautiful Sutton, beautiful Aurora, Keswick, Ballantrae, Goodwood. It's a petition to save the Oak Ridges moraine for future generations by passing Bill 12.

"To the Legislature of Ontario:

"Whereas the Oak Ridges moraine is the rain barrel of southern Ontario and the headwaters for over 65 rivers and streams, from beautiful Cobourg to beautiful Caledon; and

"Whereas the Oak Ridges moraine is threatened by uncontrolled, unbridled development that is destroying precious natural wetlands, destroying forests, destroying groundwater and wildlife; and

"Whereas 465 world-renowned scientists, local residents and naturalists all support an immediate development freeze and the implementation of a comprehensive protection plan for the moraine; and

"Whereas only the province has the power to coordinate planning over a wide area of nine regions and 26 municipalities and the province must act quickly; and

"Whereas every month new developments are being approved that will destroy the environmental integrity of the moraine;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the provincial government immediately freeze development on the Oak Ridges moraine and pass Bill 12, the Oak Ridges Moraine Protection and Preservation Act, so that there will be a comprehensive plan to protect and preserve the moraine for future generations for millenniums to come."

I am more than proud to support the people of Bradford and Goodwood and King City, Sutton and Aurora and Keswick, and I'll sign this petition.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): Further petitions from the CAW regarding workers contracting cancer.

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day

for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances, known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I continue to show support for this petition by adding my name to theirs.

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm very pleased to present a petition to the Legislative Assembly of Ontario today, and it reads as follows:

"Whereas the prayer, Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century;

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

I support this petition and I affix my signature.

1520

DEVELOPMENTALLY DISABLED

Mr George Smitherman (Toronto Centre-Rosedale): I have a petition to the Legislative Assembly of Ontario.

"Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to staff of not-for-profit agencies is, based on a recent survey, on average, 20% to 25% less than the compensation for others doing the same work in

provincial institutions or similar work in other settings; and

"Whereas there are hundreds of senior parents in Ontario who saved the Ontario government millions of dollars by keeping their child with a developmental disability at home, and who are still caring for their adult child; and

"Whereas there is no place for most of these adults with a developmental disability to go when the parents are no longer able to provide care; and

"Whereas these parents live with constant anxiety and despair; and

"Whereas these adult children will end up in Ontario nursing homes and hospitals if there is no appropriate place to provide care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"To significantly increase compensation for workers in not-for-profit agencies so it is comparable to the compensation of government-funded workers in identical or similar occupations; and

"To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who at present have no place to go when their parents are no longer able to care for them."

I support this petition and affix my name to it.

EDUCATION LEGISLATION

Mr Bob Wood (London West): I have a petition signed by 76 people. It calls on the government to hold public hearings on Bill 74 immediately.

SMALL CLAIMS COURT

M^{me} Claudette Boyer (Ottawa-Vanier): J'ai une pétition ici de commettants et de commettantes d'Ottawa-Vanier.

"To the Legislative Assembly of Ontario:

"Whereas the oath of office for deputy judge (under the Courts of Justice Act, 1984)

"I ... do solemnly swear that I will faithfully, and to the best of my skill and knowledge, execute the duties of a deputy judge of the Small Claims Court of Ontario. So help me God."

"Whereas lawyers representing clients are causing an alarming conflict of interest;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"1. The oath of office should include the word 'impartiality.'

"2. Only lay people should represent themselves or be represented by lay people. Lawyers should be prohibited to represent clients at small claims court."

Alors, voici la pétition que j'ai à vous offrir.

KARLA HOMOLKA

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets"—the federal government

"And ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm proud to affix my signature to this petition.

EDUCATION LEGISLATION

Mr John Gerretsen (Kingston and the Islands): I have a very important petition here that deals with Bill 74, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I'm very pleased to present this. I've signed it. I'm in complete agreement and I hope the government will listen to the action that's requested.

Mr John O'Toole (Durham): Mr Speaker, on a point of order: I'd like to wonder if the petition from the member for Kingston and the Islands only had one signature on it. Is that permissible?

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the member for Kingston and the Islands on a point of order.

Mr Gerretsen: For the benefit of the member, the petition had at least 20 signatures to it.

OAK RIDGES MORaine

Mr John O'Toole (Durham): I'm pleased to present this on behalf of a constituent I spent an afternoon meeting with, Gwen Meraw, and Cynthia Strike and another group of people from my riding of Durham. This is a petition the Legislative Assembly of Ontario which reads as follows:

"Whereas the Oak Ridges moraine is glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington; and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine;

"provide a policy statement to enshrine its position."

I'm pleased to support and sign this petition.

EDUCATION LEGISLATION

Mr Rosario Marchese (Trinity-Spadina): I've got a petition here addressed to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I affix my name to this petition.

BUSINESS OF THE HOUSE

Hon Frank Klees (Minister without Portfolio): I have a statement of business for the House for next week.

On Monday afternoon we will have a Liberal opposition day.

On Monday evening we will debate Bill 68, Brian's Law.

On Tuesday afternoon we will continue debate on Bill 68, Brian's Law.

On Tuesday evening we will debate Bill 81, the Safe Schools Act.

On Wednesday afternoon we will continue with Bill 68, Brian's Law.

On Wednesday evening we will continue to debate Bill 81, the Safe Schools Act.

On Thursday morning, during private members' business, we will discuss ballot items numbers 29 and 30.

On Thursday afternoon we expect to do Bill 81, the Safe Schools Act.

ORDERS OF THE DAY

EDUCATION ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILITÉ EN ÉDUCATION

Resuming the debate adjourned on May 30, 2000, on the motion for second reading of Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / *Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.*

The Deputy Speaker (Mr Bert Johnson): Pursuant to the order of the House of yesterday, I'm now required to put the question.

On May 16, Mrs Ecker moved second reading of Bill 74. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the "ayes" have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1530 to 1535.

The Deputy Speaker: On May 16, Mrs Ecker moved second reading of Bill 74. All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted
Clark, Brad
Clement, Tony
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Eves, Ernie L.
Flaherty, Jim
Galt, Doug
Gilchrist, Steve
Gill, Raminder
Hardeman, Ernie

Hastings, John
Hodgson, Chris
Hudak, Tim
Jackson, Cameron
Johns, Helen
Klees, Frank
Marland, Margaret
Martinuk, Gerry
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn
Newman, Dan
O'Toole, John

Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wilson, Jim
Witmer, Elizabeth
Young, David

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike

Cordiano, Joseph
Crozier, Bruce
Di Cocco, Caroline
Duncan, Dwight
Gerretsen, John
Hoy, Pat
Kennedy, Gerard
Kormos, Peter

Kwinter, Monte
Lalonde, Jean-Marc
Marchese, Rosario
McGuinty, Dalton
Peters, Steve
Phillips, Gerry
Sergio, Mario
Smitherman, George

Clerk Assistant (Ms Deborah Deller): The ayes are 45; the nays are 25.

The Deputy Speaker: I declare the motion carried.

Pursuant to the order of the House dated yesterday, this bill will be referred to the justice and social policy committee.

Hon Margaret Marland (Minister without Portfolio [Children]): On a point of order, Mr Speaker: I would like to refer to you, through a point of order, the banging of these 107-year-old desks. I think it's perfectly in order for anyone in the House, on either side of the chamber, to use applause for demonstrating thoughts, opinions and feelings, but there is an increasing tendency that I have noticed for banging these desks. These desks will not be here another 107 years from now, and I request that to be investigated.

The Deputy Speaker: That is a point of order, and indeed brings up many other things, and that is the ruckus during votes, which are supposed to be the basis of our democracy. The long-time heritage of the parliamentary system has been the tapping of the desks to indicate approval, but I do agree they are not going to last another 107 years if we continue doing that and I would ask the members' good judgment in these things.

DIRECT DEMOCRACY THROUGH MUNICIPAL REFERENDUMS ACT, 2000

LOI DE 2000 SUR LA DÉMOCRATIE DIRECTE PAR VOIE DE RÉFÉRENDUM MUNICIPAL

Mr Clement moved third reading of the following bill:

Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / *Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales.*

The Deputy Speaker (Mr Bert Johnson): Maybe I wasn't clear enough before that there was too much noise during the voting and there was too much noise since then. There are visitors here who just don't—I'm just trying to bring this House to order, and I'm going to do my best to keep it that way.

Hon Tony Clement (Minister of Municipal Affairs and Housing): Mr Speaker, I would like to ask for unanimous consent to divide the debate time equally among the three caucuses.

The Deputy Speaker: Is there unanimous consent? It is agreed.

Hon Mr Clement: I would like to ask for unanimous consent to have my remarks immediately followed by the member for Brampton Centre.

The Deputy Speaker: Is it agreed? It is agreed.

Hon Mr Clement: I am pleased to speak today regarding third reading of Bill 62, Direct Democracy Through Municipal Referendums Act, 2000.

The intent of this bill is to give voters a stronger voice in the local democratic process. Indeed, if passed, it would allow municipal councils to ask voters clear, unbiased, binding yes-or-no questions about issues that fall within the municipality's jurisdiction. If at least half of the eligible voters vote on the question and a clear majority votes yes or no, the results indeed would be binding. Council would not be able to ignore the voters' wishes. They will be legally obliged to act on the results. Today, as you probably know, municipalities can ask questions, but they don't have to listen to the answers.

In some cases, they ask questions on issues they simply cannot do anything about. What's the point in asking a question if you cannot act on the answer? It is a waste of time and a waste of taxpayers' money. The Direct Democracy Through Municipal Referendums Act, 2000, would allow municipalities to hold referendums only about issues that fall within their jurisdiction to implement.

The province can now place a question on the municipal ballot, and that authority, of course, would continue in the present bill. Municipalities would not be bound by the results of questions placed on the ballot by

the provincial government. The province would also be able to prohibit questions that concern matters of provincial interest; we would have the ability to defend the provincial interest.

This legislation would make a municipal referendum result binding on a municipality if at least half the eligible voters do vote on the question. In that case, if a simple majority votes yes, council would be obliged to do everything in its power to implement the results in a timely manner. If a bylaw or resolution is required to implement the will of the people, it would have to be presented to council within 180 days after voting day.

If at least half the eligible voters vote and a simple majority votes no, council must abide by that decision for at least three years following voting day.

I have heard concerns about the requirement that at least half the electorate vote in order to make the results binding. I think it's important to understand that a binding referendum effectively takes decision-making authority away from the elected council. This isn't something you do lightly. That's why the legislation sets a reasonable, in my view, voter turnout threshold.

I've also heard the misconception that without a 50% turnout, council cannot act on the issue. Nothing could be further from the truth. If fewer than half the eligible voters vote on an issue, the council would be free to make a decision, as it normally would. It could have regard and give appropriate weight in its deliberations to those referendum results. The number of people who voted would provide an indication of how important this issue is to the voters.

This legislation would also ensure that the public is involved upfront in the process by which a question is put on the ballot. The process would begin at least 180 days before election day, and the bill provides a mechanism for an elector or the provincial government to appeal the wording of the question to the chief elections officer of Ontario. In that regard, it's obviously an unbiased representative and indeed an officer of this Legislature. This could occur, for example, if the elector felt the wording of the question was unclear or if the wording was in some way biased to presuppose a particular answer.

The legislation would then allow for a referendum campaign period, once the question is approved, of at least 60 days. The bill includes provisions to allow time frames to be shortened for this year only. This would ensure that councils this year can, if they wish, ask questions as part of this November's municipal elections.

This Direct Democracy Through Municipal Referendums Act would require full disclosure to voters of the consequences of approving or not approving a question, including an estimate of the costs of implementing a question. That's the way the voters would understand the costs associated with any question they are voting on.

Should this legislation pass, we intend to make sure the campaign finance rules for referendums are fair. The rules would be similar to those that candidates in municipal elections have to follow. That would mean contri-

butions from a person, corporation or trade union to any one campaign would be limited to \$750. Furthermore, the council would not be able to spend public money to promote a particular position on a question.

I'd like to turn now to other parts of the bill that bring us closer to the goal of municipal reform in Haldimand-Norfolk, in Hamilton-Wentworth, in Ottawa-Carleton and in Sudbury. The members will recall that the process began last fall with the Fewer Municipal Politicians Act, 1999.

I'd like to mention some changes we made to this legislation in committee. First, the Direct Democracy Through Municipal Referendums Act carries over certain specific powers from the existing regions to the new municipalities. These include, for example, powers with respect to parks, with respect to waste management and with respect to fluoridation.

The legislation also ensures that rural areas will have a strong voice in the new cities of Hamilton and Ottawa. During the process of approving the legislation for the new cities of Hamilton and Ottawa, concerns were expressed about representation for the rural parts of these cities. I want you to know, Mr Speaker, that I committed, and it is found in the bill, to providing equitable representation for the rural areas. By providing for two extra councillors in Hamilton and one in Ottawa, we will ensure that rural interests have an adequate voice on council.

The legislation also takes care of some housekeeping matters, but there were also some amendments that I would like to bring to the attention of this House.

1550

In the new city of Ottawa, this legislation would change the official French name from "cité d'Ottawa" to "ville d'Ottawa." We did that in response to local requests. Since the bill was introduced, we have had a similar request from the Greater Sudbury transition board, and one of the amendments we made during committee was to change the official French name there from "cité du Grand Sudbury" to "ville du Grand Sudbury."

Another amendment would give the new single-tier municipalities the same authority regional municipalities now have to enter into water servicing agreements with neighbouring municipalities.

This legislation also contains changes for other parts of Ontario. But I wish to assure this House that after due consideration by the committee and by this House I am absolutely convinced that this legislation is in the best interests of providing more direct democracy on the local scene.

It also puts legislative pieces in place to allow the new municipalities created by Bill 25 to come forward. In this sense, it is a very empowering bill, empowering in terms of local direct democracy and empowering in terms of the great new municipalities that were created under Bill 25. I, for one, am pleased to support it at this time.

Mr Joseph Spina (Brampton Centre): I'm pleased to carry on this portion of the debate on behalf of the minister. I want to carry on with some of the elements of

this legislation that will empower things to happen within the municipalities. Generally, things that fall within a municipality's jurisdiction are things that it can do something about by bylaw and resolution.

As the minister indicated, it could include a number of things, for example, the method of council election—at large or by ward—frequency of garbage collection, smoking in public places, snowplowing of sidewalks and various kinds of user fees.

The legislation does allow the province to step in when a proposed question concerns an area of broad provincial interest. That's an important distinction. Municipalities have jurisdiction in some areas that have impacts that spill across their boundaries and affect people in other municipalities. It's important that the province have a mechanism for defending the broader interests of all Ontarians where that is appropriate.

One of the concerns that was raised was about the required 50% turnout to make a referendum result binding. The minister referred to the fact that it was pointed out by some that voter turnouts for municipal elections rarely go over 50%. That's a fair observation. However, the threshold reflects the fact that a binding referendum has the effect of taking decisions out of the hands of locally elected council and gives voters the final say on the issues that meet, of course, the criteria.

In that context, I believe the requirement for a high voter turnout is not only justified but important. If the issue galvanizes the electors, it should draw at least half of them to the polls. If it isn't important enough to bring in more than half the voters to the polls, then the final decision will be up to the council and it will be responsible to the voters for that decision, as it is now. Municipal elections are underappreciated and do deserve more attention. If putting referendum questions on the ballot helps to increase voter turnout, then we know and we appreciate the fact that democracy is better preserved.

Even if the voter turnout were less than the required 50%, council would at least have a strong indication of the voters' views which they can consider during their debate. I, for one, would expect council to take into account both the result and the turnout when making a decision. Even without a binding result, the referendum results could impact on the council's decision.

This government has consistently expressed our commitment to promoting ways in which local government can work effectively for voters and be more responsive to their wishes. This legislation will give more voters more say in local politics.

Much of the bill deals with administrative matters. That brings us closer to the goal of the municipal reforms the minister referred to, particularly the regions of Haldimand-Norfolk, Hamilton-Wentworth, Ottawa-Carleton and Sudbury. For example, this legislation carries over certain specific powers from the existing regions to the new municipalities. That includes the powers to enforce bylaws, including the regulation of parades and other things, as the minister said—parks, waste management and fluoridation.

The interesting thing is that it didn't also just refer to the changing of the names of the municipalities, as he referred to "cit   d'Ottawa" to "ville d'Ottawa," but it also talks about the structure of some of those changes. It contains changes to the regional and local councils of Waterloo and the restructured county of Oxford. These changes are being made in response, again, to local requests.

For example, Waterloo's first directly elected regional council would include 16 members, a directly elected chair, mayors of the seven local municipalities, two directly elected councillors from Cambridge, four directly elected councillors from Kitchener and two directly elected councillors from the city of Waterloo. The regional chair and the eight directly elected councillors would not sit on a local council, but rather on the regional.

This change in representation was part of a locally directed reform package put forward last year by the Waterloo regional chair and the local mayors. They said a directly related regional council would improve direct accountability to taxpayers, and of course that is much applauded. We support those renewed efforts to reduce the duplication of effort and cost of municipal government in Waterloo.

This legislation would also reduce, for example, the total number of municipal politicians in Waterloo region from 63 elected in the last municipal election down to 49, including the mayor. Cambridge council would be reduced from 10 to seven, Kitchener council from 11 to seven, the city of Waterloo from nine to six, North Dumfries from seven to five, Wellesley township council from seven to five, Wilmot township council from nine to five and Woolwich township council from nine to five. This legislation would also give Oxford county's new council the legal authority it requires to proceed with its municipal election this coming November.

If this bill is approved, the bylaws setting council sizes passed by Oxford county and its member municipalities will then be deemed to comply with the Municipal Act requirements. As a result, the county would be legally authorized to go ahead with this election.

Bill 25 gives voters the right to elect the Halton regional chair in this November election. A chair was previously chosen by regional council and had a vote only in cases of a tie. Bill 25 does not change the circumstances under which the chair could vote.

In this act, if it's approved, the Halton chair will have a vote on all matters, and that will make the chair more accountable to the public. In fact, I think this was applauded as recently as last evening. I was at a fundraising dinner with the chair of Halton region, and she was quite pleased with the elements of this.

Something that is a little closer to my heart, and I spoke about it earlier, is that this bill would give the people of Moosonee a direct say in who would represent them. It makes Moosonee a municipality, something it has wanted for a long time. It would allow local people the opportunity to vote for a mayor and councillors. The government is committing to building local autonomy,

accountability and strong local governance through this process. As it is now, the province appoints representatives to the Moosonee Development Area Board. This legislation will create a municipality to replace that board.

That new town of Moosonee will come into being on January 1, 2001. Members of our government should be on hand for that celebration and to cut the ribbon or smash the champagne bottle or whatever is appropriate to celebrate the creation of a new municipal government.

Special arrangements would allow the area's current resources of funding to continue and recognize Moosonee's unique circumstances and geographic location. Making Moosonee a municipality does not change the fact that there is no road access to the community, that unemployment is around 50% and that assessment is very low in relation to the social service costs.

Members will recall that the Savings and Restructuring Act, 1996, created a new reform process for municipalities in counties, separated municipalities and northern municipalities. Bill 25 further modified that process and extended the minister's authority to appoint commissions. That authority was due to sunset at the end of last year.

1600

This legislation follows up on Bill 25's changes in a couple of areas. First, it gives the minister greater discretion when defining the area to be subject to a restructuring commission. Currently, when the minister is asked to establish a commission, he or she could appoint one for an area equal to or greater than the area requested. This legislation allows the minister, where appropriate, to appoint a commission for an even smaller area where deemed necessary. It would also address an issue that sometimes affects the amalgamation of a county and a separated municipality.

The structuring and restructuring of government over the years has been something that all levels of government have taken very seriously, and I think this government, and this particular party, have been probably among the strongest proponents of government restructuring where it benefited the taxpayers and spurred on perhaps the economic development of the region. I refer specifically to the regional municipalities government act that was passed in 1974 for a number of municipalities across Ontario, including my own.

I want to point out Peel region as an excellent example of where regional government combined numerous small communities in Caledon, like Bolton in Caledon East and Wildfield and Mayfield. In Brampton we had Huttonville, Toronto Gore, Chingacousy township. In Mississauga you had Streetsville, Cooksville, Meadowvale, Port Credit and Malton. These were amalgamated. So the region of Peel became not just a regional municipality but it also had the city of Mississauga, the city of Brampton and the town of Caledon—three simple communities that have worked together extremely effectively with the regional municipality of Peel. We hold forth that this region, in its partnership with the three municipalities

under its jurisdiction, has been one of the most effectively functioning municipal tiered governments in the province. That being said, that doesn't mean we can't look at the opportunity I have been a strong proponent of—reducing the number of members on those municipal councils.

Mr John Gerretsen (Kingston and the Islands): I'll be sharing my time with the members for Eglinton-Lawrence and Hamilton East.

The first thing that ought to be noticed once again is that we only have 20 minutes to debate the third reading of this bill. It's once again as a result of an order that was passed by this government unilaterally to basically stifle debate. You know, it's kind of interesting: People are probably wondering, how can the restructuring of four major southern Ontario municipalities be in the same bill that deals with the new town of Moosonee?

If you talk about an omnibus bill that tries to collect everything into one, then this has got to be it. This is a major step forward for the town of Moosonee. I would have thought that the people down there at least would have been given ample opportunity to make representations and that they would have been shown the courtesy by this government to deal with their situation alone. We're all in favour of the town of Moosonee being created, but I hope this isn't some sort of plot by the government to download services on this municipality which, according to the last member who spoke, certainly has major economic problems, with the unemployment there and with the lack of social services and other services as well.

I hope this isn't some sort of an effort by the province to once again download on a new municipality all the problems they've downloaded on so many municipalities elsewhere in the province. As you and I know, there's been absolutely no proof whatsoever, with all the actions this government has taken, that anybody has saved any money at the local level. Taxpayers aren't better off. There are many more services that have to be paid for at the local level and there's been absolutely no proof that all of this restructuring has saved any money whatsoever.

This whole notion—and I know in the last Parliament I talked about this on numerous occasions—that if we just have fewer politicians representing us, whether it's at the provincial level or at the local level, we'll all somehow be better off, denies this whole concept that we live in a representative democracy and that people want representation. The fewer local politicians you have in any municipality, the less contact the general public can have with their local politicians. We all know, those of us who have served at the local level, that there are many issues that arise that are not of a partisan nature at all. Quite often the local politicians have to hear from the people how they feel about a particular issue that a council may be dealing with. The government can take great pride in the fact that it has cut out thousands of local politicians across the province, but people have to realize that the amount of representation they get is going to be less and less and their ability to get to their local

representatives is going to diminish more and more. I don't think that in the long run we are going to be better for it.

Do some amalgamations make sense? Yes, they do. We've had one in the Kingston area, where the urban areas of Kingston and the greater Kingston community were brought together with three municipalities. It made a lot of sense. There has been no tax saving at all, but it made a lot of sense. However, there were also some serious mistakes made. There were vast rural areas in the two surrounding townships of the old city of Kingston included in the new city of Kingston, which make absolutely no sense. Right now they have one representative, on a council of 17 individuals, who clearly speaks for the agricultural interests in the new city of Kingston. You know and I know that no matter how strong that particular voice is going to be, either now or in the future, those interests, those concerns of that one individual are not going to be adequate and the rural issues will be forgotten. That is the main problem with all I've heard about the amalgamations or all the restructurings that have taken place: It is always the rural areas that lose out. Of course, those are the people who usually object the most, because their representation in the new urban municipalities is going to be less and less.

There's so much more I could say about this. For example, we could talk about this sham of a so-called referendum notion that has been brought into this bill. We all know that very few municipal elections take place anywhere in this province where you've got 50% turnout. So to say that for any referendum to be binding a minimum of 50% of the people have to turn out is a sham. It just will not happen. Yet somehow this government likes to leave the impression that it has done something for local democracy. The government is going to basically put the question. They're going to decide what questions can be asked at the local level. They don't even trust the local municipalities to come up with the questions. They're going to be the ultimate deciders as to what the question is going to be.

I would once again urge this government to rethink some of the ideas they've brought forward, when it comes to municipal reform, over the last five years. Many of them in the long run are negative and will lead to a less representative democratic situation in this province.

Mr Dominic Agostino (Hamilton East): I commend my colleague from Kingston and the Islands for that presentation and for his comments, which I think bear out clearly the weaknesses in what this government is doing in this bill.

When you look at the bill, I think it is just sheer hypocrisy from the point of view of what it intends to do and the reality of what this government is doing. They talk about questions; they talk about what is appropriate for the municipal governments to deal with in referendums. This is a government that has spent millions of dollars attacking the federal government on issues, believing that it's OK to interfere in issues of federal

jurisdictions with their Young Offenders Act, with their health care. Whatever issue of federal jurisdiction we're dealing with, this government doesn't shy away from interfering, spending taxpayers' dollars for their political purposes. But now it's going to very strictly control and tell municipalities exactly what kinds of questions they can put on referendums and how they're going to word those questions and in what context those questions will be dealt with.

This is nothing about democracy. It has simply given itself more power to veto municipal referendums. It gives them more power to shove down people's throats their loaded questions and the answers they want. This bill gives the minister more powers than he had before, and we know how dangerous power is in the hands of this government.

1610

I'm disappointed by this bill, not only for what it contains but for what it lacks. We know that the government amended the bill by giving area municipalities outside the city of Hamilton two additional seats. That's a move that certainly I welcome and my caucus welcomes. We'd asked for one additional seat for the city of Hamilton. That was turned down. I'm disappointed the government did not see fit to give the city of Hamilton one additional seat, in view of what they were doing.

Also, as we're on the eve of a constantly-being-called by-election, this government had an opportunity and has refused, through this bill, to deal with the issue of Flamborough. When the amalgamation of Hamilton-Wentworth took place and it became the city of Hamilton, the government gave the people of Flamborough an option of deciding their future. The minister gave them the option of deciding whether to stay as part of Hamilton-Wentworth or whether they can cut some sort of agreement and work out some plan with area regions and municipalities to split up Flamborough. The good people of Flamborough went through that process. The mayor of Flamborough, Ted McMeekin, led that process. They democratically voted, backed up by substantial figures and information, to split Flamborough into various regions in the area. They were given that option. The government of Ontario gave the people of Flamborough that option. They chose that option.

What is shameful is that this government has not had the courage to come forward and tell the people of Flamborough whether or not they're going to agree with what they did. They have stalled, they have delayed, they have bought time. They have now appointed again another mediator to look at this, Milt Farrow, simply in an effort not to make a decision before the impending by-election. Their candidate, Ms de Villiers, doesn't have a stand yet on Flamborough. She doesn't know whether it should be part of Hamilton or whether it should be somewhere else. She's waiting for the government to analyze the policy for her. It is a shameful, disgusting political manoeuvre to delay making a decision. I wish the minister and the government had the guts to come clean and tell the people of Flamborough before they call the by-election

whether they believe that Flamborough should be part of Hamilton or whether they believe Flamborough should choose, as it has, to be part of other regions in the area. But that would be too much to expect. That would be too much integrity and honesty and up-frontness from this government to do that.

This bill lacks tremendously, and I can tell you the people of Flamborough are not going to be used by this government. They've been manipulated before by Harris, they've been lied to before by Mike Harris. They have been led down this path before by this government and by this Premier, and this in Flamborough is another perfect example.

I challenge this government. We in the Liberal caucus believe clearly that once the government gave the people of Flamborough the option to go into a different area and the people of Flamborough democratically chose that, the government has a responsibility to abide by that decision and give them their wish and grant what the people of Flamborough said. Anything short of that is shameful. This act doesn't address that. It's a disgrace. This government is playing politics with the people of Flamborough, and they are going to a heavy price once the by-election is called.

Mr Mike Colle (Eglinton-Lawrence): During the very brief committee hearings we had on this, that we had to literally beg for just to get a couple of deputants—we were lucky to get a couple. We had to make extraordinary efforts. It's ironic: This bill is supposed to be about encouraging direct democracy, yet we sit here today because this government has invoked closure on another bill dealing with direct democracy, which is totally contradictory, as are most of the doublespeak titles of their bills. The bills say one thing; they do something else.

During the deputations, the Police Association of Ontario came and pleaded with the government to not overlook the fact that they've made a big mistake in this bill. The big flaw in this bill, as far as the Police Association of Ontario is concerned, is that they didn't realize that the police services in Ottawa-Carleton are amalgamated and so are the police services in Hamilton-Wentworth, and that they're already regional services. Because of a major flaw in Bill 62, which the government refused to fix because they wouldn't allow any amendments, the police services in Ottawa and in Hamilton won't be able to negotiate freely over the next year, and they were expecting to do so. In fact, they complained that, especially in Ottawa, the police force in Ottawa has to go through a transition team to get approval to hire extra police officers for a certain task force. They asked for them to be removed from this legislation because they are already regional forces, yet the government, in their haste to ram this bill through, has basically jeopardized the ability of the Ottawa and Hamilton police forces to do their jobs without more bureaucracy, and also has limited their rights to negotiate as police officers. That's one major thing.

Interestingly enough, the good people from Moosonee had to fly down here in a mad rush. They came to tell us that this bill could jeopardize their land claim rights. They're undergoing changes in major agreements in terms of land claims. The structure they have for the little town of Moosonee in this bill could jeopardize their ability to have proper land claim adjudication down the road. They came here and pleaded with this government to protect them from that kind of jeopardy.

Again, we have a bill where they're thrown in everything, as they usually do. This is another kitchen-sink bill where they throw the town of Moosonee in with Kitchener-Waterloo and Halton. They throw in items about the Liquor Licence Act, fluorination of water, collective agreements, dealing with Sudbury, the people of Hamilton, the Ottawa act. Everything is thrown into this bill along with the Moosonee situation, which is a very unique situation itself.

That's not to mention that this talks about referendums and this new process of referendums. I think the members from Hamilton East and Kingston and the Islands said that the referendum provisos in this bill are farcical, because right from the beginning the threshold—in other words, for a referendum to work, you have to go through some amazing hoops.

First of all, the minister decides what the wording of the referendum is. He decides whether or not it is a provincial interest and whether they can have the referendum. The minister obviously isn't going to allow referendums, for instance, on the downloading of services on to cities and towns across this province. As we've seen, downloading has knee-capped municipalities from the biggest, Toronto, to the smallest, knee-capped by the downloading and offloading of services by this government. For sure, if King City wanted to have a referendum, let's say, on the Oak Ridges moraine on the ballot—I know some people in King City would like to have a referendum on the Oak Ridges moraine on the ballot—do you think Minister Clement is going to allow a referendum question on the Oak Ridges moraine and whether it should be protected or not? Obviously not. So the minister decides the wording.

Then he's got this other interesting proviso, which again handicaps, knee-caps, the ability of people to have their democratic rights, to have a say on issues. There's a plateau, a 50% crescendo. In other words, unless you get 50% of the voters to vote on a referendum question, the referendum question is invalid.

Fifty per cent: As you know, in local government the average turnout is about 30%; a 30% vote in local municipalities. It's rare to get 50%. Once in a blue moon it does happen. I was doing some research. It happened here in Toronto, ironically, because there was such a battle about the megacity and people were so interested in restructuring their city. That was a rare situation.

Then it happened in a couple of small municipalities. Do you know why they had 50% voter turnout? They had 50% voter turnout because they allowed you to mail in your ballot. Maybe that's what the government is up to.

It's going to allow people in Mississauga to mail in their ballots. I think in Mississauga they had about 25% turnout, or even less. I know in Brampton it was about 25%. When are they going to get 50% turnout in those municipalities for a referendum question, especially, as you know, in those cities they have very popular mayors? Who's going to challenge the great mayors of Brampton and Mississauga? Nobody will challenge them, so there will be very low turnout. The opportunity for people in Mississauga or Brampton to have a question on a ballot is probably pretty academic.

I know Mayor Robertson of Brampton objected to this bill. He thought it wasn't helping him at all. I know that the Association of Municipalities of Ontario didn't like this bill. In fact, we asked them to come and make a deputation on this bill, but the Association of Municipalities of Ontario refused to come and make a deputation because they are quite intimidated by this government. They know if they speak out this government will hammer them even more, so they couldn't come to make a deputation. They represent 90% of the municipalities across this province—AMO it's called. They know this is a bad piece of legislation, but they know they can't criticize this government because this government will not treat them very nicely if they dare criticize, so they didn't come to make a deputation.

1620

The police association had the courage to come. The people from Moosonee came, and I really congratulate them for having the courage to come all this way and state the flaws of this bill.

Again, this bill talks about restructuring municipalities. Municipalities have been restructured at a reckless pace by this government. There has been more so-called restructuring by this government than by all the other governments combined in the history of Ontario.

All local governments have been turned upside down, from Kenora to Cornwall. From Windsor all the way up the Ottawa River, there has been upheaval locally. People in local communities don't know what this government will do to them next, what they will off-load, download, side-load, back-load, unload on them next, because that's what this government's game is. This bill is part of the formula this government has come up with whereby they would off-load, side-load, download, upload their responsibilities on the poor local municipality, and then the poor local municipality can only provide the service by going to the poor property taxpayer. That's all they have, a property tax. A property tax, whether you're in Listowel or London, is regressive. In other words, it doesn't matter how much money you're making; you get hit with that property tax. You could be in a down year but you still have to pay that big property tax. It's the worst form of taxation, yet this government has made local municipalities totally rely on that, because there's no more help for municipalities.

I know in the city of Toronto people are outraged that there wasn't one red cent in a budget where this government had a \$5-billion windfall. They gave \$9 billion

dollars in tax cuts, but they didn't give one red cent for public transit. The people of Toronto know that without public transit this is not a healthy, working city. Every year in Toronto, according to the Toronto medical officer of health, up to 1,000 people die because of smog. You can't get rid of the smog unless you have alternative means of transportation besides the car. This government did not give one cent to GO Transit for the GTA, where we have gridlock all the way from Niagara Falls to Cornwall, almost. Total gridlock.

All this government does is download, side-load on municipalities. So the property taxpayer is basically surrendering and saying: "Take over my city. Here's the keys to my city. Take it." That's what they're saying to me. They can't afford it any more.

The Deputy Speaker: The member's time has expired. Further debate?

Mr Rosario Marchese (Trinity-Spadina): I'll be sharing my time with the member for Hamilton West.

I want to begin by saying to the good people of Ontario—

Interjections.

Mr Marchese: Speaker, there's a debate in this place. I don't know what you want to do about that other debate.

The Deputy Speaker: There will only be one speaking. Order. If you want to visit or talk, please remove yourself or I'll do it for you.

Hon Rob Sampson (Minister of Correctional Services): I want to hear Rosie.

Mr Marchese: I'm sure you do. All bankers want to listen to my speeches. They love me over there on the other side, I know they do, because I treat them well. Don't I?

How do the people of Ontario distinguish between veracity and mendacity? How do they do it? How can they do it? How do you find the skills to be able to distinguish? I want to help the people of Ontario, because they need help, don't they, Joe? I tell you they only had one afternoon of hearings, clause-by-clause, Joe. Are you proud of that? This is your centrepiece. Right? It's a centrepiece for a legislative framework for municipal referenda, something you guys ought to be proud of. I would think you would want to take it out and go all across Ontario with this particular bill. Yet one afternoon, a couple of hours, and it's gone and it's here for third reading so you can just push it out the door. One afternoon. I thought you were proud of telling the folks: "Oh, direct democracy now. You, the good people of Ontario, are able to have direct democracy."

What does it mean? Look at the title. If you look at the title, good people of Ontario—remember, because I'm very fond of exposing them—the title says, "An Act to enact, amend and repeal various acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other"—it's hell, right? How is the public to distinguish between veracity and mendacity? I say to them, look at the title and think the opposite. It's

as simple as that, because if it were any different, you'd be taking it out to the public, wouldn't you? Of course you would.

But you don't want the good people of Ontario to know the truth; therefore, you just leave it in committee for a couple of hours and then it's gone. What fortitude you people have. What courage of your convictions. You guys have a lot of courage and fortitude that's right here, or somewhere. But you don't have the strength to be able to take this bill out if you're so proud. I would. Wouldn't you, David, member for Hamilton West? If you were proud of a bill, wouldn't you want to take it out for at least four weeks?

Mr David Christopherson (Hamilton West): All across the province.

Mr Marchese: Four weeks at least, right? One afternoon, a couple of hours and it's gone. You could just go around the province and say: "Good people of Ontario, you've got direct democracy now. You've got referenda. You remember we promised it to you? You've got it." But you don't have it.

Interjection.

Mr Marchese: Joe, you've got to help me out. You've got to be quiet. We've can't have separate discussions, because it won't work. I've got the floor and you have to listen. It's just the way it works. Otherwise, you have to go there, OK?

Mr Spina: OK.

Mr Marchese: All right. What is this initiative? It's a placebo initiative designed to make people feel good. Feel good because what you're getting is a referendum act, a direct democracy kind of act, with all the tools that it entails. Look at all the tools that are in here—hundreds of pages of this referenda act. Most of these pages deal with the incompetencies of so many other acts where they couldn't get their act together in the first place. Every bill that's introduced in this place dealing with municipal stuff is a bill designed to correct the previous inadequacies and incompetencies of the Tories, this fine man and his party members. That's what this bill is about; it's a placebo bill.

It says here that municipalities are the only entities, apart from the minister of course, because ministers are entitled to have absolute power in this place, so quite apart from the minister only municipalities can initiate a referendum question. Now recall that the good citizens of Ontario can't introduce any referenda initiatives. There is no provision for it. You, good people of Ontario, cannot initiate a referendum question even if you want to. It's not in the bill. But they're telling you that you're getting direct democracy. They're telling you you're getting a referenda act. They're telling you you're going to have more power to be able to say what you want or do what you want. But is it? Not if you can't initiate. If only the minister prescribes what question the municipality can ask, it's not an initiative that is directly connected to you, good people of Ontario, is it?

Remember, Big Brother prescribes what will be contained in a municipal question. What could that be? Let's

look at that. Could the municipality deal with the loss of social housing? No, it couldn't. Why? Because the minister says, "I'm sorry, municipalities, that's out of your jurisdiction." Even though they have downloaded housing completely to the municipalities, the municipalities can't deal with a housing question. It's out of their jurisdiction. They've got all of the housing responsibility downloaded, but they can't ask a question dealing with it.

You figure that out, Speaker, because I know you're an intelligent man. I'm sure you'll conclude that we've got a problem here as it relates to direct democracy. I'm sure you'll reach that conclusion. I know you will.

1630

Could they initiate a question as it relates to the loss of daycare? Most recently, \$56 million was downloaded to the municipalities, which could mean a loss of thousands of daycare spaces in Toronto, but could the municipality include a question that deals with the loss of daycare spaces in their cities? They can't, because the province, through the minister, would determine that it would be out of their jurisdiction. Even though you, as a municipality, are incurring a greater debt for daycare, you can't ask such a question.

Could the referendum include the selling of a municipal utility? No, that's out of the question because, if you recall, Bill 26 removed the requirement to hold referendums when granting the company the right to supply such services as public transit, water and electricity. But even in spite of Bill 26, this bill would prohibit the municipalities from dealing with such issues, because the minister would determine that that's beyond the jurisdiction of the municipality.

I'm trying to give you a little sense of it to help you so when you go back to your communities, you can say, "Yes, we've got a problem." Yes, the bill says we've got referenda, but on the other hand, we, Big Brother provincial government, are controlling this to such an extent and prescribing to such a great extent what can and cannot be a ballot question that you're right; maybe it's not as direct a democracy as we might have suggested. That's why I began my discussion with how you distinguish between veracity and mendacity when all you hear is that the Conservative government is giving you direct democracy and giving you referenda.

Poor people of Ontario, I feel bad for you, I do, because you are not given the tools to decipher the enigma that is the Tory government. But in the case of Walkerton, I've got to tell you there, that mystery is being unfolded very, very carefully and very slowly to the extent that we see what it means when the government says: "Tories mean less government. Tories mean government is off your back. Tories mean the non-government government is going to come and fix things." Is this what this non-government government who came to fix things is doing in Walkerton? No siree. We've got a whole lot of tragedies there directly connected to the politics of this government that says: "Less government is more effective. We're going to get off your back." What it means is that people are dead in that community,

and there are a lot more people in danger of that kind of problem.

The minister says, "By the way, yes, we admit we cut people in the Ministry of the Environment," but in no way, the Premier says, diminished the quality of the service that we were providing. I say to you, is a soccer team where you have 11 players as good a team when it plays with eight players? It's a simple question. Maybe you never played soccer, but the math is clear: 11 players on one side, 11 players on the other. This team has 11 players. Mike Harris says, "We have eight players on this team, but in no way does it diminish the strength of that team." Do you get it? Do you understand the incongruity of that argument? He's saying you can do well with less. I'm saying, as an equivalent example, a team where you have three players less than the other, to give you hockey as another example—six players in the rink versus three on the other. I can guarantee that the team with three players is going to lose. There's a loss of quality there. There's a loss of strength there. There's a loss of an ability of people to do their job.

Do you get it, Minister? Speaker, do you get it? Because you're listening to me, and you're a neutral guy. I've seen that. I've seen your neutrality in the chair.

I would add something more before I pass it on to my friend. For a referendum to be binding, the turnout must be at least 50%, and at least 50% plus one must vote in favour. Recall that downloading is not a municipal referendum question; it cannot be. Recall that if Toronto wants to secede, it cannot be a referendum question. Amalgamation is out of the question. Yet there are further amalgamations that we expect in Waterloo and other places. "But don't worry about it; it won't concern them. And by the way, don't you worry your little head about the 905 region, because we ain't going to amalgamate them. No siree, you voted for the right party. We're going to massacre Toronto, other areas, Ottawa, that's OK, but not the 905. Why? Because you voted for us and we're going to leave you alone." But that's another matter, beyond the scope of the comments I want to make.

It says that for the referendum to be binding the turnout must be 50% and that at least 50% plus one must vote in favour. Why in God's name, if you want to give the public greater say, or at least if you want to give municipalities greater say on the questions they ask—historically there are only a few examples where we've had such a high turnout. Even the new city of Toronto had a turnout of 45% in 1997, and that was an election with a hotly contested mayoralty race. Even there, where the race was so hot, we only had about 45%, so what direct democracy are you giving to any municipality? Assuming that you agree that what you're giving—through your control—is an absolute power and that what you prescribe to them—even if you agree with that, how can you have direct democracy when we're never going to be able to get the population out to vote in municipal elections to the extent that you prescribe in your bill?

To pass it on to my buddy from Hamilton West, this is a problem. This bill is a farce; it's a placebo bill. It's got nothing that speaks to what they say. There is no direct democracy in this bill.

Mr Christopherson: I want to thank our municipal affairs critic, my friend from Trinity-Spadina, for his passionate review of this bill. Certainly I think anyone who is watching got your message very clearly.

I want to talk about a couple of other aspects of this bill. Obviously I want to speak to the part of it that directly affects the new city of Hamilton. Let me preface these remarks by acknowledging the comments my friend from Hamilton East made to me in the lobby prior to this debate happening when he said, "How are you going to do this so it doesn't look like you're laying out a speech running for mayor of the new city of Hamilton?"

I said to him, "Fortunately, all the things I've talked about I've already laid down in Hansard long before Terry Cooke made his announcement," which of course tipped the whole electoral process in the next municipal election upside down.

Hon Frank Klees (Minister without Portfolio): Is this your announcement?

Mr Christopherson: No, it's not a premature announcement, but I do want to at least be open about it, maybe to save some of you the heckle of throwing it out, and acknowledge that these are important issues, but they are issues I felt strongly about prior to the possibility of my throwing my hat into that race.

With regard to the two seats that are added for the rural area, I agree with my colleague from Hamilton East that this is a good move. It was disappointing that there wasn't a further seat on the south mountain of Hamilton, the old city of Hamilton. I went a step further, actually, and said at the time—this was quite a while ago now—that I really would have preferred that there was total parity.

I understand that caused a lot of my friends on Hamilton city council some real concern because, of course, their strong feeling was that anything other than rep by pop—representation by population—would not be fair to the old city of Hamilton. But my feeling was then, and still is, that with six new partners in the making up of a new city, and given the feelings and dynamics that exist in the rural communities that make up the current regional municipality of Hamilton-Wentworth, we stood the best chance of building the kind of city and community we are capable of if everyone had a sense that they were equal partners. If we had let two or maybe three terms go by, a little less than a decade, under that system and then reviewed with a goal of going to rep by pop, I think in the long run it would have served us a lot better.

Having said that, it's not often that I compliment the government on anything they do, but the fact that we got at least some relief from the initial denial to the rural areas in Hamilton-Wentworth of an opportunity to have a little better representation is an improvement. In always

trying to be as fair as I can, I would like to acknowledge that that's appreciated and it's a good move.

1640

Two other quick matters, if I may, in the three minutes that I have remaining. First of all, I received correspondence from Doug Allan, who's the administrator of the Hamilton-Wentworth Police Association, wherein he outlines a number of concerns that the police service in Hamilton-Wentworth had with regard to this bill and its freezing of negotiations. The police service in Hamilton has been regionalized from the beginning of our regional government back in 1974, and so therefore to put an arbitrary freeze on negotiations between the police service board and the police association didn't make a lot of sense to Mr Allan and his colleagues. I spoke to the minister prior to this debate. He assured me that he has forwarded correspondence to the association, to the police service board and the transition board that indeed they may begin negotiations and that they need not adhere to, and will not be bound by, the fact that negotiations otherwise would have been frozen.

Further to that, it's my understanding that the issue of the transition board's authority in terms of the police service decisions on a day-to-day basis was not a huge issue to him, and I say that in a fair-minded way. He did not hear back that this was not resolved in any kind of an unsatisfactory way, so his assumption is that it is going to be all right with the association. I wanted to put on the record that that was a concern we had. I think it was fair. There may indeed be labour collective agreements that are affected the same way in other municipalities—the new city of Sudbury or Ottawa—and if that's the case I would hope that they've been given similar relief.

Last, in the minute remaining, let me just talk about the issue of Flamborough. Again, I think anyone who looks at this from the viewpoint of the regional municipality of Hamilton-Wentworth agrees without doubt, Tories included, that the only reason this by-election hasn't been called is that the Tory polling is showing they can't win it. If it did, we would have had that by-election. Holding off on a decision about Flamborough being in or out of the new city of Hamilton is unconscionable. How are the transition board, the candidates and community leaders expected to take a long-term vision of our new city when we don't even know what the boundaries are going to be?

Let me say that I find it interesting, my friend from Hamilton East, in the latest Liberal flip-flop—where before the whole region, in their opinion, should have become the new city, they've found a nice, neat little way to let their candidate out of that binding problem. So they've now said, "We think they ought to be let out because they've been given the opportunity." A major flip-flop. At least Jessica Brennan has been consistent from beginning to end, and we all ought to acknowledge that she has been upfront about how she feels about it.

Speaker, I thank you for the opportunity to speak today.

The Deputy Speaker: Pursuant to the order of the House dated May 1, 2000, I'm now required to put the question. Mr Clement has moved third reading of Bill 62. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Pursuant to standing order 28(h), I'd like to request that the vote on Bill 62 be deferred until Monday, June 5, at deferred votes. It's signed by the chief government whip. We will abide by this request.

YOUNG OFFENDERS

Resuming the debate adjourned on May 15, 2000, on the amendment to the motion by Mr Klees relating to the Young Offenders Act.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I would seek unanimous consent to allow my colleague from Trinity-Spadina to finish off our lead debate.

The Deputy Speaker (Mr Bert Johnson): The member for Hamilton West has requested that the member for Trinity-Spadina be permitted to fill out the time for the member for Niagara Centre. Is it agreed? It is agreed. The Chair recognizes the member for Trinity-Spadina.

Mr Rosario Marchese (Trinity-Spadina): I want to thank my Liberal colleagues and my Conservative colleagues for giving me a mere 11 minutes to say so much with so little time. Peter Kormos, my friend from Niagara Centre, covered it all pretty well but he didn't have the time to finish. As you know, there was more to say and the question in this place is how to find the time to say it, because these people close debate on everything. We have no time any more. We've got more closure motions than you've ever seen.

On the stuff we want them to take to committee they say, "No, we don't need any more democracy in committee."

Hon Rob Sampson (Minister of Correctional Services): Speak to the young offenders motion.

Mr Marchese: Young offenders motion; my good friend the banker wants me to talk about that. I want to talk about that. Do you think I'm escaping my duty to speak to this bill?

Hon Mr Sampson: You'll never escape.

Mr Marchese: I'm coming there. They're distracting me, Speaker. I've only got 10 minutes.

I believe this resolution is before us for a reason. What is this reason? I've got to tell you, good people of Ontario, the reason is that it's a pre-election ploy to accomplish two things: to simultaneously attack the federal Liberal government in anticipation of an election and help the friend from Wentworth-Burlington who's going to run for them.

It's a law-and-order kind of resolution which accomplishes what they want. That is, we are going to be tough on crime, like the Parental Responsibility Act. Do you recall that bill? I'm finally speaking about that bill

because it does nothing to deal with the issue of a crime that the present law doesn't already have by way of powers. The powers are there in law at the moment to sue somebody for damage to property and damage to the person. But with this government it doesn't matter. Just tell the public what it is that you want and hope to God that they don't read, that they don't follow politics, that they're not listening to our discussions. Just lull them away to sleep at home, because Mike Harris knows what he's doing.

Peter Kormos, the member for Niagara Centre, did a wonderful analysis of this bill and indicated that these people who spoke to the bill had very little knowledge of Bill C-3, federally introduced, and very little knowledge of what is contained therein and whatever they want to talk about. It's quite possible that since then some of you may have read it because Peter Kormos, the member for Niagara Centre, suggested you had better read it because what you said simply didn't jibe with reality. So he covered a lot of that.

He covered as well the fact that the data from Juristat, which is released by Statistics Canada re youth crime, show a 15% reduction in youth crime. But to listen to Tories, crime, my God, is forever escalating and you need to elect these people in order to reduce it. By the way, you need to elect Tom Long because he's the man in Ontario who's going to fix crime committed by young people. If you don't elect Tom Long, we're not going to get the kinds of assaults on young people in order to prevent crime from indeed happening. This is helping Tom Long's campaign in the same way that Ms Mushinski's motion to deal with gathering of statistics re decisions made by judges is designed to give Tom Long a hand in his campaign. It's designed to create the impression that we've got a serious problem out there and only Tom Long can fix it nationally and only Mike Harris can fix the problem of crime. In spite of the fact that youth crime has gone down, to hear Tories, it's just going right up, and I resent that a little bit because it simply is alarmist. It alarms the public unnecessarily, first.

1650

Second, while it is all right to be tough and to sound tough, is that the goal? The goal shouldn't be how tough and mean you can be; the goal should be how effective you can be. The way they present the argument, to be effective you've got to be tough on crime. All the data by academics say that's not the answer. The answer, Frank Mazzilli, is—

Mr Frank Mazzilli (London-Fanshawe): You disagree.

Mr Marchese: I know we disagree in that regard. I've got to tell you that people on this side—Peter Kormos especially—and most of us in this caucus don't simply say that crime is acceptable. No crime is acceptable in this province, committed by anyone, young or old.

The question is: How do we deal with crime, and do we speak of prevention? Tories never speak of prevention. They only speak about being tougher. Is being tougher effective? It's irrelevant as long as people

believe in their stomachs that it is, and that's why I speak often about placebo politics, because that's what these people are engaged in.

As much as they're fond of attacking the federal Liberal government—and I must admit that from time to time I am guilty of it as well—in terms of the lack of transfer payments that come from that level to us, while that is true, you are in charge of corrections and you've got to take some responsibility in that regard. Until you do that, you have no credibility when you attack the federal government. I argue you've got to get control of your legislation, at least what you are responsible for in terms of the corrections part of the ministry that belongs to you and commit the resources you need to take young people who find themselves committing, in some cases, some very serious crimes, and ensuring that they are placed in appropriate facilities with appropriate supervision, treatment, rehabilitation, and after-care once they have been released from those institutions. Unless you do that, you're not doing your job and you have no credibility with respect to it.

Peter Kormos spoke about deterrents and I think he made a brilliant point, "It is common knowledge"—maybe not so common for Tories in spite of the fact that they coined the term "Common Sense Revolution"—"that the single most effective deterrent against crime is the likelihood of detection."

What are you doing with respect to that issue, that if you know you're going to get caught you're likely not to commit the crime? You're doing nothing. You don't talk about it. You don't know anything about it. All you know is, "We've just got to be tough," and you hope to God the people simply listen to that visceral, emotive answer to the question and not bother intellectually to look at the issue.

But if you look at this kind of deterrence, Peter Kormos speaks to some of the things you should be doing. He says that a number of communities used to have youth bureaus—police officers whose sole responsibility was dealing with youth crime. That sounds to me like a good strategy. What it says to me is that you've got to put the resources into community policing, into policing and focus on where the crime is happening as a way of dealing with it; not focusing after the fact, but before it happens. If you're not putting the resources there, it means that crime will happen and repeat itself over and over again, so your response of being tough simply won't help.

If you don't give the police forces adequate resources to develop the specialty and to be able to commit police officers to targeting specific areas of crime, the problem will persist. It makes a lot of good sense. This is where youth bureaus obviously did focus their energies in the past, but there is no longer any money to do that sort of thing.

"The utilization," says Peter, "of seasoned officers who have experience with the community, with the young people in that community, with the schools, with their families"—all of that deals with prevention.

But we've seen this government. In spite of the billions and billions of dollars that have come into the provincial coffers, they're squandered away, like the \$1-billion boondoggle, the one the Minister of Finance referred to today as the \$200 he's giving you back because it's your money. He says: "It belongs to you. You can do anything with it." It's a \$1-billion boondoggle, Joe Tascona, and your community is going to know about it, \$1 billion just thrown out the window, and all you get is \$200 to make you feel good. It's \$1 billion wasted, gone. We won't be able to use that \$1 billion, use a modest amount of that \$1 billion you're squandering away, for policing, for youth bureaus in those police stations, for prevention, for rehabilitation. None of that money that you are squandering away, \$5 billion of it to the corporations, is going to come back to where it's needed: to health, to education, to our water control that affects the quality of our life, that affects life indeed.

You're giving \$700 million to the money managers: those people who earn \$100,000, the people who sit on their desks. Those people don't work. You said up to \$100,000 they don't have to pay any taxes. Take that money back and put it where we need it. That's deterrence. If you use it in the way that we are speaking about, it will have some effect. It's common knowledge that the single most effective deterrent against crime is the likelihood of detection, and if that is so, you need to put the resources there to make prevention a key part of your policy direction. But will you Tories do that? No—just hope that they simply believe you here and not here.

The Deputy Speaker: Further debate?

Mr Mazzilli: One of the biggest concerns for the people of Ontario is youth crime. I've heard people express their concerns and their fears time and time again. As a member of the Crime Control Commission which has travelled throughout the province, I've heard it first-hand. The public's concerns are justified, and the cold statistics tell us that: a 77% increase in violent crime from 1988 to 1998.

Mr Speaker, for the benefit of the member from Trinity-Spadina, from 1962 to 1998, all property crime has gone up 291%. Auto theft has gone up 395% from 1962 to 1998, in one generation. And the experts tell us that one year perhaps it has gone down 2%, after a generation of triple-digit increases. Those are the kinds of statistics the people of Ontario do not want to hear.

The people of Ontario feel a real sense of urgency about this, and our government shares that urgency. For example, two years ago the Crime Control Commission issued a report on youth crime. The report has led to real changes at the provincial level. The Safe Schools Act is being implemented, the Safe Streets Act, the Parental Responsibility Act.

Budget 2000 has committed \$300 million to increase the number of youth justice committee pilot projects from six to 18, in which community members will meet with young offenders charged with minor crimes. These are committees or tribunals of respected members of our communities who will determine the appropriate punish-

ments for, and methods of restitution for victims of, first-time non-violent young offenders who admit their guilt.

The member for Trinity-Spadina talked about resources and detection. There's one thing we actually agree about. It's called targeting, targeting the criminals. It's being tough on crime. In order to prevent crime, you need to target the people who commit it and you actually have to put the resources into it.

Do you know how they targeted crime during their government? Through social contract, allowing police departments to send people home because they could not afford to pay them. That's how they targeted crime: Allowing the court systems to allow officers to go to court on their on-duty time, therefore not targeting crime on the street. That's how they dealt with it. These are the very same people who say today that you need to put resources into it, while they took and took and took.

1700

Our government recognized that you have to detect crime. That's why we came out with a program to hire 1,000 new police officers in the province of Ontario, to help municipalities pay for the realities of policing. That program has been extended permanently in the new budget.

When you talk about crime you also need meaningful legislation. The federal committee refused to hear from the Attorney General and the Solicitor General from the provincial level. The committee also refused to hear from co-chairs of the Crime Control Commission. In denying us a voice, they have denied the people of Ontario a voice. They did not want to hear what we as a province proposed to make this meaningful young offenders legislation. Instead, I understand that a number of amendments to the Youth Criminal Justice Act are being proposed in response to Quebec's concerns. Don't expect these proposed changes to improve the act. As hard as it is to believe, the language in the act may actually soften it.

As it now reads, the federal bill will not increase jail sentences; will not automatically try 16- and 17-year-olds as adults when they commit serious crimes; will not require mandatory jail time for youths convicted of offences involving weapons; will not lower the minimum age for prosecution; will not allow authorities to automatically publicize the names of violent or serious young offenders and all repeat young offenders who have been sentenced under the proposed act; will not change the rules of admissibility of statements so they are the same for young offenders as for adults—and this is a very serious one.

With the guidelines in the Young Offenders Act, in order to obtain a statement from a young offender one must go through a process that is at best unreasonable, for a 16- or 17-year-old, just in order to interview that young person, and this after he or she has perhaps committed a murder, because that young person somehow could not admit in any way to the act they have committed because of the hoops the police have to go through. It will still place the onus on the crown and in

most cases have serious violent offenders sentenced as adults. When you have a 17-year-old who commits a murder, in my view that should automatically go to adult court, as I think it's the view of most Ontarians that this should automatically happen. These are the things the act will not do.

Adult crimes deserve adult time. I say this because I know the 16- and 17-year-olds are quite capable of committing adult crimes, and they're also capable of knowing the consequences of their actions. However, under the proposed act, as under the current law, they will know that they can be convicted of a crime and not feel the full legal consequences of the adult world. As a result, it is a climate with a constant potential for violence with very few deterrents, just as you see our schools.

I know we're limited in this debate, and I would like to go on and on, but on the issue of resources—I certainly think this resolution needs to be passed, but we need to communicate to the federal government that we will not be happy with the Young Offenders Act. I can remember back before the Young Offenders Act, if I can just speak to it momentarily, there was the old the Juvenile Delinquents Act. Of course, it was 16-year-olds at that time, and the Young Offenders Act raised the definition of "youth" to 18, and probably did so with decent intentions, intentions for a young person who had been in trouble for the first or perhaps second time in their lives to be dealt with in a lenient manner. Most of us know that perhaps that is appropriate for a one-time offender, whether they're 16 or 17. I don't think most of us take enormous exception to that. But what about the 17-year-old who's committed their 40th offence? Is it not time that that person not be treated in the lenient manner we treat all young offenders? I don't think it was ever the intention of the Young Offenders Act to do that. It was never the intention of the Young Offenders Act to allow people to steal 20 cars and be treated in a lenient manner, to allow a young person to steal their 40th car, be involved in a police pursuit, kill someone and still be treated in a lenient manner.

The resolution put forward by the Solicitor General should be adopted, and I urge all members of the House to do so.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate on the amendments proposed by my colleague Mr Bryant, which I think is the focus of our debate.

On the issue of community safety, I represent an area in Scarborough, and probably that along with health care and education, those three issues, dominate people's concerns in the area I represent. Few things are more emotional than the issue of community safety. It happens, by the way, that in the area I represent carjackings have become quite serious. There's no doubt it is a crucial issue that the public wants action on. It is up to us to propose real solutions. It's very easy on this issue, frankly, to play with the public's emotions. With something this sensitive, one can raise emotions very easily.

I think we have to look at real solutions. I carry this document around. This is the government's document on why people should come to Ontario, on why you should locate your business or locate yourself here in Ontario. One of the things they point out in this document—I don't know whether the members across can see it, but this is the homicide rate in Ontario compared to many of the US states: Illinois, California, Texas, Michigan, New York, Wisconsin. It's dramatically lower in Ontario, and robbery rates are dramatically lower in Ontario.

Any robbery is one too many and any homicide clearly is one too many, but surely we owe it to ourselves to understand what has led to crime rates in Ontario being dramatically lower than in our neighbouring jurisdictions in the US. The reason I raise that is that we are moving to adopt US types of solutions to crime at a time when our crime rate is dramatically lower than in the US. It is important for us to understand why our crime rate is lower. If we want to make it lower still, which all of us do, it seems to me we should be doing more of the things that have led to us having a lower crime rate than neighbouring jurisdictions.

I would say, respectfully, that it's several things. I think there are still fewer police officers in Ontario today than there were 10 years ago. Certainly in the area I represent, Toronto, there are 500 fewer police officers today than there were 10 years ago. As this debate has gone on, one of the clear things is that the policing resources are important. I heard the chair of the police services board, Mr Gardner, just a matter of days ago say there are 500 fewer officers in Toronto today than five years ago, and I think than 10 years ago. The population of Ontario's gone up 1.5 million people and there are fewer police officers than there were 10 years ago. So I say to the public, this resolution is one that is designed to, in my opinion, deflect responsibility from this House. I think we should be looking first at the resources that the Ontario government is putting into policing services. As I said, we still have fewer police officers than we had 10 years ago.

1710

The second thing I'd say is that the police chiefs of Ontario have told us that gun control is an important deterrent. The police chiefs of Ontario are supportive of the federal legislation on gun control. They say, "This is an important measure to reduce violent crimes." But what do we have? We have our Ontario government, Premier Harris and the Attorney General, fighting it in court—fighting the gun control law that our police chiefs have said they want. Here is a matter of where are we putting our resources? We are spending Ontario tax money, taxpayers' dollars, for Premier Harris to send our Attorney General to the courts to fight something that our police chiefs have said they want. They believe that gun control is an important matter, but no, we have chosen to fight it, tooth and nail. So I say to people who are watching this debate on how we make our communities safer, violent crime, particularly with weapons, guns, is one of the most feared things in my community, in our community,

yet Premier Harris has chosen to send his Attorney General to court to fight the gun control. Is that an appropriate response to the issue of safe communities?

I think we would be making a mistake if we didn't try to understand the reasons we have had a lower crime rate in Ontario, substantially lower than our neighbouring jurisdictions. I repeat, any crime rate's too high, so what we're looking at is, what are the conditions that led to that? I submit that one of the key things has been that young people in Ontario have felt a better sense of opportunity than young people in neighbouring jurisdictions in the US—the average young person. A young person from a family of modest means who has grown up in Ontario has been able to aspire to almost anything they wanted to be. A university or college education was within their reach. They never saw that this was something they couldn't afford. But we've chosen—the Harris government has chosen—to dramatically increase tuition fees, particularly in law, medicine and pharmacy, in several of those professions that historically many of our bright young people have aspired to. I guarantee you, there are many young people from families of modest means who simply are going to rule that out. There is no question that we have had good community services available for our young people.

Everyone faces a fork in the road in their life, all of us have. Luckily, we've had whatever it was—some encouragement, some mentors, some help—to by and large take the right fork in the road. But if, by raising tuition fees, by cutting social services for our most needy people in the province, we make post-secondary education a preserve of the well to do, in my opinion, we are sowing the seeds to see our crime rate rise, not fall, to match the levels in the US.

I know why the resolution is before us; as my colleague from the NDP pointed out, there's going to be

a by-election. There is no question that safe communities are at the top of many people's minds.

I have a view that says that the real solutions—gun control; police resources; providing an environment where our young people feel that regardless of the circumstances they were born into, we are going to create an opportunity here for all of them to aspire to whatever they can and want to do—I will be supporting my colleague's amendments to the resolution and suggesting to the public that if you're looking for real solutions, this resolution is not the solution.

The Deputy Speaker: On May 15, Mr Bryant moved that the Attorney General's resolution be amended by deleting parts (a), (b), (c), (d), (e) and (f) and substituting the following sections:

“(a) condemns the Harris government for its jurisdictional deflection”—

Interjection.

The Deputy Speaker: Is that the pleasure of the House? I will dispense.

Is it the pleasure of the House that amendment carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the nays have it.

Call in the members; it will be a 30-minute bell.

Mr Klees has requested that, according to standing order 28(h), this be deferred until Monday, June 5, at deferred votes. So be it.

Hon Mr Klees: I move adjournment of the House.

The Deputy Speaker: Is it the pleasure of the House that that motion carry? It is carried.

This House stands adjourned until 1:30 o'clock next Monday, whatever the date.

The House adjourned at 1718.

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No. 66A

N° 66A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 5 June 2000

Lundi 5 juin 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 5 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 5 juin 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

DAWN PATROL GROUP HOMES

Mrs Marie Bountrogianni (Hamilton Mountain): Today I would like to acknowledge the Dawn Patrol Group Homes, a non-profit, registered charitable organization which has provided programs and services to youth and their families in the Hamilton-Wentworth area since 1969.

Dawn Patrol is guided by a set of core values which include providing a safe, secure environment in which programs are delivered to assist troubled youth to achieve a potential to live as law-abiding citizens. These programs include anger management, victim awareness, drug and alcohol counselling, independent living, self-esteem and others.

Bernhardt House, Newcombe House and the Hamilton Alternative to Custody program are staffed by dedicated and well-trained personnel committed to our youth. I salute them and the voluntary board of directors for the fine work they do in my community.

At the same time, discussions I have had with the president of Dawn Patrol's board of directors indicate that they are chronically underfunded to retain the quality staff needed to be successful in their challenging work.

Today I will be crossing the House with a letter for the Minister of Community and Social Services which outlines the need for additional funding for this outstanding community service organization. It is my hope that the government will take action and not just talk with respect to prevention programs for youth crimes.

BOWMANVILLE WOMEN'S INSTITUTE

Mr John O'Toole (Durham): Last week in my riding of Durham the Bowmanville Women's Institute celebrated its 100th anniversary.

The Bowmanville Women's Institute has played an important role in our community and province since its inception on June 1, 1900. In the early 20th century, farmers joined organizations such as the Farmers' Institutes in order to share their knowledge and innovative practices and techniques. There were no such organizations for the wives of the farmers until Adelaide

Hoodless founded the Women's Institute and launched a campaign for pasteurizing milk following the death of her young son.

Since then, the women's institute has continued to focus on issues important to families and their communities. They have successfully adjusted their current focus to meet society's needs over time. Some examples of their involvement in Bowmanville include the institute's program to distribute hand-knit blankets to premature babies across the country, and of course their bursaries for high school students, specifically Bowmanville high school.

Currently, members of this dedicated organization include president Bernice Puk, Lyra Flintoff, Iva Twist, Vera Downey, Elva McKnight, Hazel Thoms, Mary Tough, Emily Slute, Jean McCallum, Louise Bell, Helen Millson, Betty Morrison, Joan Cook, Irene England and Ruth Carrington. The group meets once a month to discuss different issues while furthering the positive role of the Women's Institute in our community.

I would like all members to extend their congratulations to the Bowmanville Women's Institute for their commitment to our community.

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I would like to seek unanimous consent to wear the blue and gold ribbon of the Raise Values Above Violence campaign. I've send it off to all members of the Legislature.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

VIOLENCE

Mr Michael Gravelle (Thunder Bay-Superior North): I am very proud to stand here in the Legislature today to tell all members of the House and the Ontario public about a campaign that began in my community of Thunder Bay and is now extends all across the province. It is a campaign that is called Raise Values Above Violence, begun by the Thunder Bay diocese of the Catholic Women's League of Canada and formed as an offshoot of the Thunder Bay Television's award-winning campaign Speak Out Against Violence. The CWL's campaign is based on the belief that values such as unconditional love and kindness can have a positive impact on violence in all our communities and that solutions to violence can be found by simply treating everyone with equality, kindness and respect.

At a time when many of us continue to worry about violence in our society, it is heartening to be part of a campaign that I believe has truly made a difference in our community. For that reason, I am proud to wear the blue and gold ribbon of the campaign and I would encourage all members of the House also to wear it and to spread the word about the Raise Values Above Violence campaign in their communities.

As we know all too well, violence has become one of the defining characteristics of our age. All too often, violence has been seen as an acceptable way to solve problems. When we incorporate positive values into our everyday living, we live happier and healthier lives, and we then contribute to happier and healthier families and communities. During this campaign week, the Catholic women's league invites public involvement and participation to raise values above violence. We all truly can make a difference.

WESTBEN ARTS FESTIVAL THEATRE

Mr Doug Galt (Northumberland): Northumberland has one of the most beautiful landscapes in Ontario. I've always admired the gentle, rolling hills and the lush green space. Settled amongst the rolling hills in a century-old farm near Campbellford there sits a rustic timber-frame barn. Nearby will become the home for a full symphony orchestra, an 80-voice chorus, some of Canada's top soloists, Juno Awards winners and international recording stars. This barn will be a modern performance theatre known as the Westben Arts Festival Theatre.

Westben is a not-for-profit organization that was established in 1991 by Donna Bennett and Brian Finley. Both Donna and Brian are extremely talented musicians who have brought a wealth of international performance experience to their community. Their talent and energy have attracted many and, in 1997, they directed a large group of community volunteers in a very successfully staged production of Jesus Christ Superstar. The success of the production ignited the entire community.

Because Campbellford does not have its own theatre for live performances, the members of Westben decided they would undergo the challenge of building one. Now the members of Westben are putting the finishing touches on their new theatre in preparation for the grand gala opening on July 1. I extend my best wishes to all the members of the Westben Arts Festival Theatre and I hope this wonderful initiative is a major success.

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): I rise today to raise awareness Golden Horseshoe Marathon which began today on the front steps of the Legislature. It was great to see members from all sides of the House taking part in this event. It was also great to see the

Honourable Cam Jackson and myself as the only two MPPs who were able to finish five kilometres.

The marathon will see athletes push their wheelchairs 210 kilometres in five days. It was created to raise funds for a resource centre that will help others who are in rehab cope with the changes that accompany spinal cord injuries and life in a wheelchair. Charlie Cetinski, the driving force behind this event and an athlete himself, revealed through his own experience the need for increased support, information and positive motivation in this province.

I'd also like to draw attention to a few other important dates. May and June of this year have celebrated Brain Injury Awareness Month, National Access Awareness Week for disabled persons, and Wheel Chair Awareness Week. These are important dates to remember as we work toward the passing of a strong and effective Ontarians with Disabilities Act.

The issue has been discussed a number of times in this House, but my fear now is that legislation is being pushed further and further from this government's agenda. Recent signals from the other side, including correspondence from the minister's office, indicate that we "may" see the introduction of legislation by November 23, 2001. Let me remind the members of this House that we passed a resolution unanimously calling for the enactment of a strong and effective ODA by November 23, 2001. We need to do everything we can now. The time has come to pass a strong and effective Ontarians with Disabilities Act.

1340

DOCTOR SHORTAGE

Ms Shelley Martel (Nickel Belt): Last week, five specialists and one family physician left our community. That brings us to a total of 15 doctors who have left the Sudbury region since January 1999. This month, the underserved area program listings show a shortage of 11 family doctors in Sudbury and the outlying areas. Families need physicians now. The prospect of a northern medical school sometime in the future, or physicians coming four years from now in exchange for free tuition, does nothing to help those seeking primary care now.

The Minister of Health could quickly ease our doctor shortage problem. Last Thursday, she spoke to the association of community health centres. Representatives from the Centre de santé communautaire de Sudbury were able to have a brief conversation with the minister at the time and share with her a solution to the doctors' crisis in Sudbury. She was asked to provide \$500,000 in funding to both satellite clinics in Valley East and Rayside-Balfour. With this, the centre would hire one more full-time doctor, nurse, nurse practitioner, social worker and nutritionist at each site. The centre has found three physicians who want to work in these communities, on salary in a group practice.

It's important to note that both Valley East and Rayside-Balfour are on the underserved area list for

doctors. Both satellite operations have waiting lists of over 400 possible patients who could enrol with these practices if more health care providers were available. With minimal financial investment, the Minister of Health could buy a lot of first-class primary health care for many people in those two communities. I hope the minister will see the wisdom of this request and fund this immediately.

SNOWMOBILING

Mr Joseph Spina (Brampton Centre): With us today in the members' gallery are executives from the Ontario Federation of Snowmobile Clubs led by president Bert Grant, and Bill Small, Dennis Burns, Tom Sutcliffe, Ted Day and Tim West. They join us today because they're hosting an MPP reception in the legislative dining room today from 5 to 7 to demonstrate the vast appeal and size of the number one recreational winter sport in Ontario: snowmobiling.

The federation represents 281 clubs and an estimated active number of 225 snowmobiling families across this province. This is a \$1-billion industry to our province and extremely important to the winter economic activity of Ontario. I would suggest too that there are 49,000 kilometres of trails in this province, more than we have provincial highways. The OFSC, through its charities across Ontario, annually donates about \$500,000 to the Easter Seal Society through their various snowmobile activities.

There are a lot of changes we are looking to introduce in the snowmobiling industry over next two or three years to make it a safer, better, stronger sport for the families of Ontario. I encourage all members to attend the reception tonight and learn more about snowmobiling in Ontario.

WATER QUALITY

Mr James J. Bradley (St Catharines): Every day seems to bring a new culprit in the Premier's blame game over the crisis in the drinking water system in Ontario. In Walkerton, under fire for highly damaging cuts to the Ministry of the Environment budget and staff, the Premier suggested the problem could be traced to the NDP policy of charging municipalities for water tests done at the Ministry of the Environment labs and allowing municipalities to use private labs if they wanted to do so.

When that excuse didn't fly, Mike Harris decided it was human error and not his dismantling of the environment and natural resources ministries that caused the tragic events in Walkerton. When that deflection of blame didn't work, the Premier tried to say that a public inquiry, which he had resisted so strenuously for days, was now acceptable because the opposition would not agree to a legislative committee completely controlled by Conservative MPPs.

This morning the Premier pointed the finger at municipalities for not allocating funds for sewer and water

projects even though it was his government that dumped responsibility for these systems on to all municipalities. There's downloading of many responsibilities to municipalities: public housing, public health, ambulance services, senior services, roads, and the list goes on. They made the eligibility requirements for provincial funding so stringent that many municipalities cannot qualify.

If the Premier wishes to find the ultimate culprit for the drinking water woes of this province, he need look no further than his own mirror and the pages of the Conservative policy document known as the Common Sense Revolution.

SUPPORT FOR AGRICULTURE

Mr Toby Barrett (Haldimand-Norfolk-Brant): In contrast to the recent ramblings by the member for Chatham-Kent-Essex, I'd like to recognize Agriculture Minister Ernie Hardeman for his work in making sure Ontario farmers receive their fair share of federal safety net funding. Recently, though, we learned that the federal government is pulling back 50% of the AIDA enhancement funding. Without more federal money, this will result in funds taken out of Ontario and diverted to farmers in other provinces.

I point to a May 23 press release of the Ontario Federation of Agriculture titled "Prime Minister Forgets About Farmers." In it, OFA president Jack Wilkinson, after stating that the Prime Minister did not mention agriculture to a meeting attended by nearly 500 farmers near Kitchener, says, "The federal government hasn't delivered any of the AIDA funding it announced last November."

I challenge the member opposite to talk to farmers in his riding; find out if they support more money for farmers in other provinces and less for Ontario's farmers. Farmers are pleased with Minister Hardeman's guarantee of Ontario's 40% share, but they are concerned that the federal government is taking money away from Ontario farmers to make their numbers add up. This suggests to me that trusting Liberals with farmers' money makes about as much sense as trusting rabbits to deliver lettuce.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr R. Gary Stewart (Peterborough): I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill as amended:

Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries /
Projet de loi 42, Loi visant à accroître la sécurité

publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

PUBLIC HOUSING PRESERVATION ACT, 2000

LOI DE 2000 SUR LA PRÉSERVATION DU LOGEMENT PUBLIC

Mr Marchese moved first reading of the following bill:

Bill 84, An Act to require the preservation of public housing / Projet de loi 84, Loi exigeant la préservation du logement public.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Mr Rosario Marchese (Trinity-Spadina): Briefly, my bill would prevent the sale of any public housing units unless those units are replaced with other social housing units and tenants are given another, comparable unit right away.

HURON UNIVERSITY COLLEGE ACT, 2000

Mr Wood moved first reading of the following bill:

Bill Pr24, An Act respecting Huron University College.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

MOTIONS

HOUSE SITTINGS

Hon Frank Klees (Minister without Portfolio): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, June 5, Tuesday, June 6, and Wednesday, June 7, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

DEFERRED VOTES

DIRECT DEMOCRACY THROUGH MUNICIPAL REFERENDUMS ACT, 2000

LOI DE 2000 SUR LA DÉMOCRATIE DIRECTE PAR VOIE DE RÉFÉRENDUM MUNICIPAL

Deferred vote on the motion for third reading of Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: All those in favour, please rise one at a time.

Ayes

Amott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve

Gill, Raminder
Guzzo, Garry J.
Hardeman, Ernie
Harris, Michael D.
Hastings, John
Hudak, Tim
Jackson, Cameron
Johns, Helen
Kells, Morley
Klees, Frank
Marland, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn

Newman, Dan
Palladini, Al
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Turnbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time.

Nays

Agostino, Dominic
Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Christopherson, David
Churley, Marilyn
Colle, Mike
Conway, Sean G.
Cordiano, Joseph

Crozier, Bruce
Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gravelle, Michael
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David

Marchese, Rosario
Martel, Shelley
Martin, Tony
McLeod, Lyn
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Sergio, Mario
Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 37.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

YOUNG OFFENDERS

The Speaker (Hon Gary Carr): We now have a deferred vote on the amendment to the motion relating to the Young Offenders Act, moved by Mr Bryant.

Call in the members. This will be a five-minute bell.

The division bells rang from 1359 to 1404.

The Speaker: Mr Bryant has moved an amendment to the motion by Mr Klees relating to the Young Offenders Act.

All those in favour will please rise one at a time.

Ayes

Agostino, Dominic	Curling, Alvin	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	Martel, Shelley
Bisson, Gilles	Dombrowsky, Leona	Martin, Tony
Bountrogianni, Marie	Duncan, Dwight	McLeod, Lyn
Boyer, Claudette	Gravelle, Michael	Parsons, Ernie
Bryant, Michael	Hampton, Howard	Patten, Richard
Caplan, David	Hoy, Pat	Peters, Steve
Christopherson, David	Kennedy, Gerard	Phillips, Gerry
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Colle, Mike	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Lalonde, Jean-Marc	Sergio, Mario
Cordiano, Joseph	Levac, David	Smitherman, George
Crozier, Bruce		

The Speaker: All those opposed?

Nays

Amott, Ted	Gill, Raminder	O'Toole, John
Baird, John R.	Guzzo, Garry J.	Palladini, Al
Barrett, Toby	Hardeman, Ernie	Runciman, Robert W.
Beaubien, Marcel	Harris, Michael D.	Sampson, Rob
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clark, Brad	Jackson, Cameron	Stewart, R. Gary
Clement, Tony	Johns, Helen	Stockwell, Chris
Coburn, Brian	Kells, Morley	Tascona, Joseph N.
Cunningham, Dianne	Klees, Frank	Tilson, David
DeFaria, Carl	Marland, Margaret	Tsubouchi, David H.
Dunlop, Garfield	Maves, Bart	Turnbull, David
Ecker, Janet	Mazzilli, Frank	Wilson, Jim
Elliott, Brenda	Molinari, Tina R.	Witmer, Elizabeth
Flaherty, Jim	Munro, Julia	Wood, Bob
Galt, Doug	Mushinski, Marilyn	Young, David
Gilchrist, Steve	Newman, Dan	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 37; the nays are 47.

The Speaker: I declare the motion lost.

On May 15, 2000, Mr Klees moved "that the Legislative Assembly of the province of Ontario,

"(a) Condemns the weakness of the current federal Young Offenders Act, and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions;

"(b) Rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens, but merely repackage the flawed, weak Young Offenders Act under a new name;

"(c) Further rejects any proposed amendments to Bill C-3 that would weaken and soften legislation that is already inadequate;

"(d) Particularly condemns the federal government's attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders;

"(e) Believes the 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and

"(f) Believes that young people convicted of violent, adult-type crimes should be subject to adult-length sentences."

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1409 to 1414.

The Speaker: All those in favour of the motion by Mr Klees relating to the Young Offenders Act, please rise one at a time.

Ayes

Amott, Ted	Gill, Raminder	O'Toole, John
Baird, John R.	Guzzo, Garry J.	Palladini, Al
Barrett, Toby	Hardeman, Ernie	Runciman, Robert W.
Beaubien, Marcel	Harris, Michael D.	Sampson, Rob
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clark, Brad	Jackson, Cameron	Stewart, R. Gary
Clement, Tony	Johns, Helen	Stockwell, Chris
Coburn, Brian	Kells, Morley	Tascona, Joseph N.
Cunningham, Dianne	Klees, Frank	Tilson, David
DeFaria, Carl	Marland, Margaret	Tsubouchi, David H.
Dunlop, Garfield	Maves, Bart	Turnbull, David
Ecker, Janet	Mazzilli, Frank	Wilson, Jim
Elliott, Brenda	Molinari, Tina R.	Witmer, Elizabeth
Flaherty, Jim	Munro, Julia	Wood, Bob
Galt, Doug	Mushinski, Marilyn	Young, David
Gilchrist, Steve	Newman, Dan	

The Speaker: Those opposed will please rise one at a time.

Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	Martin, Tony
Bisson, Gilles	Dombrowsky, Leona	McLeod, Lyn
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gravelle, Michael	Patten, Richard
Bryant, Michael	Hampton, Howard	Peters, Steve
Caplan, David	Hoy, Pat	Phillips, Gerry
Christopherson, David	Kennedy, Gerard	Pupatello, Sandra
Churley, Marilyn	Kormos, Peter	Ramsay, David
Colle, Mike	Kwinter, Monte	Sergio, Mario
Conway, Sean G.	Lalonde, Jean-Marc	Smitherman, George
Cordiano, Joseph	Levac, David	
Crozier, Bruce	Marchese, Rosario	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 37.

The Speaker: I declare the motion carried.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek your clarification. I noted on that particular vote that the government's motion was read into the record prior to the vote and the opposition's

amendment was not read into the record. The amendment would have made the main motion acceptable. I wonder if you could explain that to us.

The Speaker: The reason is that when the motion was moved last Thursday it was at that time read into the record, and that's why it wasn't read in this time.

ORAL QUESTIONS

SCHOOL EXTRACURRICULAR ACTIVITIES

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Premier. I, like you, would be aware that there are thousands and thousands of Ontario teachers who have dedicated themselves through extracurricular activities to their students, either through coaching sports or producing plays or leading their students on school trips. The question I want to put to you on their behalf is, why is it that you, through Bill 74, are about to recognize their collective devotion to their students, you are about to award their commitment, you are about to encourage their continuing involvement by telling them that if they stop those activities they will be punished?

Hon Michael D. Harris (Premier): I think the minister can respond.

Hon Janet Ecker (Minister of Education): There are many teachers who provide extracurricular or co-instructional activities for students because they care about the students and because they see these as part of the job for their students. Parents certainly consider these important co-instructional activities, everything from parent-teacher nights to Remembrance Day ceremonies to coaching the football team, as very important services for their students.

Unfortunately, what we've seen in too many communities is that these activities have either been withdrawn completely or in part or there have been threats to do so as part of bargaining or political protest against a board or against the government.

Parents have been very clear that this is not a sustainable situation. I had said to the education sector many times that this was a problem that would either have to be dealt with by the sector or we, as the government, would have to respond to the parents' questions, and we have.

1420

Mr McGuinty: Minister, the only problem we have when it comes to participation in extracurricular activities is to be found in your riding. It is not wholesale. It is not widespread. This is not an issue for the overwhelming majority of ridings and parents and students and teachers. What you have done is taken a problem that is found in your riding and decided to apply a solution province-wide. This is micro-management gone mad. What you're doing through this bill, one more time, is sticking it to the

teachers. At the same time, you've decided to stick it to the trustees.

I believe that if we're going to deliver quality public education in Ontario, the only way we can possibly do that is by means of a working partnership, a partnership based on trust and mutual respect. Bill 74 drives a stake through the heart of any notion of trust and respect.

I'm asking you, on behalf of all of those teachers and on behalf of Ontario parents who are so intent on having, when it comes to our schools, peace in our time: Will you now withdraw your Bill 74?

Hon Mrs Ecker: First of all, would that it was only one community that had this problem. First of all, I reject the honourable member's somehow saying that only Durham had a problem, therefore somehow it wasn't a problem for the many thousands and thousands of students who were deprived of extracurricular activities, co-instructional activities, for two years. But it wasn't only in Durham region.

The other thing I'm very surprised about is that the honourable member says, "Withdraw Bill 74." Does that mean he's not in support of smaller class sizes, which is in Bill 74? Does that mean he's not in support of all the additional monies that are going into the system this fall as a result of Bill 74? Does that mean that if a school board were to take money meant for textbooks and spend it on something else, the honourable member is saying the government shouldn't be able to address that? If parents have a concern that a school board isn't meeting class size requirements, is he saying we shouldn't be able—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Final supplementary.

Mr McGuinty: If the minister today wants to introduce a bill which in a real way reduces class sizes, I want to assure her of our every bit of support for that kind of bill. As the minister knows full well, that's not what her Bill 74 is all about. It's based on the notion that the only way you're going to deliver education is by means of dictatorship, not partnership. It's not based on respect for teachers; it's based on disrespect for teachers. It's not based on trust; it's based on bullying. That's what your Bill 74 is all about.

If we are ever going to attract the best teachers into teaching, Minister, if we are ever going to attract the best trustees into taking on that office, then you have to understand that you are not going to be able to do that through your Bill 74.

I'm asking you again, on behalf of all those Ontarians who are genuinely committed to quality public education in Ontario, why don't you withdraw Bill 74 and instead introduce a separate bill that is going to reduce class sizes in Ontario?

Hon Mrs Ecker: Is it disrespectful of teachers to recognize in legislation that they do much more beyond simply standing in front of a classroom? That is very, very important. There are many teachers who do much more than that, and this legislation recognizes that. It also recognizes that parents have a role in deciding what kind

of extracurricular or co-instructional activities should be provided in their school. The legislation specifically recognizes that. I guess the honourable member doesn't think parents should have a role in deciding what extracurricular activities are happening in their community.

I had really hoped the parents and the students in our province were not going to be subjected to this end-of-civilization-as-we-know-it, over-the-hill rhetoric yet again, but unfortunately it appears to be the case. Bill 74 is based on many months of consultation with parents, with students, with teachers, with many people in the education sector.

NORTHERN HEALTH TRAVEL GRANT

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Premier. Cancer Care Ontario's northeastern annual general meeting was supposed to begin tomorrow in Sudbury. It was cancelled at the last minute late last week. My understanding is that there were as many as 300 people who were eagerly looking forward to that meeting. These were cancer patients, members of their families, health care experts, all of whom were very interested in expressing their views about some of the shortcomings of cancer care in Ontario. Can you tell us why that meeting, which is of such great importance to those people concerning this issue, was cancelled at the last minute?

Hon Michael D. Harris (Premier): The minister may know, Mr Speaker.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I understand that was a decision that was made by Cancer Care Ontario. Obviously, they're the ones that have the information related to that decision.

Mr McGuinty: Let me tell you why that meeting was cancelled. It was cancelled because of your health care apartheid policy. Just so members fully understand this, and viewers as well, we're talking here about a system of compensation which clearly and effectively discriminates against cancer patients and their families who happen to reside in northern Ontario. If you are from the south and you have to leave your community to get treatment for your cancer, you receive compensation for your airfare, for your food, for your accommodation. But if you are from the north, all you get as a member of the family is 31 cents a kilometre—no compensation for food, no compensation for accommodation and no airfare. That's the discrimination I'm talking about here. That's why this meeting was cancelled. That's what these people want to talk about.

On their behalf I'm asking you today, Minister: Why will you not revoke, rescind and kill that discriminatory health care apartheid policy?

Hon Mrs Witmer: The policy for re-referrals of cancer patients in the province of Ontario is the same whether you live in the north or the south or the east or the west. In fact, I have a letter here from Dr Ken Shumak, and he says:

"I understand that the government's decision on the recommendation of CCO to cover all travel and accommodation costs of cancer re-referral patients has resulted in a misperception that there is inequitable support for northern residents needing to travel for specialist care.

"As you know, the re-referral program covers only cancer patients who are re-referred for radiation treatment, and provides coverage of their travel and accommodation. This is a temporary program to ensure that those who need early radiation treatment can be treated in a timely manner."

He goes on to say, "I want to make it clear that patients who are re-referred for radiation treatment in Northern Ontario are—"

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Final supplementary.

Mr McGuinty: If we ever needed proof that the Mike Harris Conservative Party has now become the government, we now have it here in spades. This is the Minister of Health, representing the government, who is telling us about some re-referral policy. I'm talking about something that has an impact on the ground which clearly discriminates against cancer patients and their families who happen to reside in northern Ontario.

The last time I checked, people in the north were paying the same by way of income taxes as people living in the south. The last time I checked, people in southern Ontario never passed their votes over to you, never elected this government in order that you might discriminate against people residing in northern Ontario.

So what I'm asking you now, Minister, is to stand up, stop thinking like the government for a minute, and start representing the interests of patients and families who happen to live in northern Ontario, and to rescind this health care apartheid policy.

Hon Mrs Witmer: I'm not sure why the leader who want to continue to present information which is not accurate and is misleading. People in the north have access to the northern health travel grant, plus they have access to the re-referral program that has been introduced by Cancer Care Ontario.

I don't know what part of this information the Leader of the Opposition does not get, but he is deliberately communicating information that is not accurate. There is equal access for every individual; plus, people in the north get the northern travel grant, which people in the south do not have access to.

1430

WALKERTON TRAGEDY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. This morning I met with a group of concerned citizens in Walkerton, and they asked me to raise a number of issues with you. When an ice storm hit eastern Ontario a few years ago, your government was able to put together a group of electrical workers from across Ontario, from across Canada and even from the United States. Two thousand Hydro workers

went to eastern Ontario. When Toronto was hit by a serious snowstorm a year and a half ago, you facilitated over 1,000 armed forces personnel coming into Toronto. What your government has told the people of Walkerton, who are dealing with polluted water, where tragically at least seven people have died, is that they must wait at least eight weeks to have their waterlines cleared.

Premier, can you tell me how it is that your government could do so much in the eastern Ontario ice storm and in the Toronto snowstorm, but you're telling people who are dealing with deaths and tragic illnesses that they must wait eight weeks before their waterline is cleared?

Hon Michael D. Harris (Premier): I am not telling them anything, nor should I. But in fact the Ontario Clean Water Agency is putting first and foremost the safety of every person of Walkerton. They are the ones who are setting the timelines. As far as we are concerned, they have all the resources available to them. We have sent personnel up into Walkerton, expertise not just into helping to clean up the system today but also to give us recommendations for the long term. We've opened a provincial office there now. We're working with the federal government and the local government in assisting with emergency aid, and I know they plan to embark upon fundraising, as other areas have. We've kick-started that, unlike any other emergency I think ever, including the ice storm. If there are additional resources that need to be available, they need only ask.

Mr Hampton: The people I met with are asking for the resources. You have Guelph university, which has some expertise on groundwater and surface water; you have the McMaster University medical school, which has a very strong public health department; you have the University of Western Ontario medical school, which has a very strong public health department. The fact is, the resources in Walkerton are very thin on the ground compared to the other examples I've cited. I'm asking, on behalf of the people of Walkerton, that your government do more, get more resources, get more expertise.

But they also raised another issue. They want to be assured that their voices are going to be heard in the commission of inquiry. They're asking for two things on that front: (1) that they have status at the inquiry, and (2) that intervenor funding be set aside, sufficient so that they can be heard at the inquiry. I'm asking you for that commitment today as well, Premier.

Hon Mr Harris: I think the Attorney General could respond.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): With respect to the procedure to be followed at the inquiry, I think the member knows, as a former Attorney General and as a lawyer, that the commissioner has broad scope to determine the procedure, and specifically with respect to those who are designated as interested parties that is a decision for the commissioner of the inquiry to make pursuant to section 5 of the Public Inquiries Act. It's not for me, with the greatest respect, or for anyone else here to dictate to the commissioner whom he has shall or shall

not designate as interested persons. That's provided for in the Public Inquiries Act. It's a statutory provision.

Mr Hampton: I beg to differ with the Attorney General. You do have the capacity. Since you are going to put together the terms of reference, you do have the capacity here and now to say that the people of Walkerton will have status before the public inquiry and that they will receive intervenor funding so that they can make effective representations before the inquiry. You have that capacity here and now. Don't try to put that off on to the commissioner or commissioners down the road. That is your government's responsibility and I'm asking you to exercise that responsibility.

While I was there they asked me to make another point and that is this: They want to see a very broad-based commission of inquiry. They want to be assured that not only will the immediate questions surrounding Walkerton be answered but so will the greater questions concerning the safety of Ontario's water supply. What were the factors that could have contributed to this and what will be the steps necessary to ensure that this doesn't happen in Walkerton again, or in any other community again?

They want your commitment on that as well, Mr Attorney General. Will you give them that commitment?

Hon Mr Flaherty: I have made it clear previously here, and the Premier has certainly made it clear, that the terms of reference are to be broad. I wrote to the leader of the official opposition and to the leader of the third party today confirming an independent, open and thorough public inquiry with respect to designating interested persons within section 5 of the Public Inquiries Act. That is a determination for the commissioner and not for anyone in this place, including me as Attorney General.

I would repeat to the Leader of the Opposition and to the leader of the third party that I need to have their comments as soon possible, immediately in fact, with respect to the terms of reference. I had a letter from the leader of the third party last week and I have some information from the Leader of the Opposition. If there is anything else that they'd like to put forward to have input with respect to the terms of reference, may I please have it immediately, within 24 hours or so, because the terms of reference are under active consideration and drafting now.

WATER QUALITY

Mr Howard Hampton (Kenora-Rainy River): A question again for the Premier.

Last Thursday, I asked the Minister of the Environment to make water testing information available for all municipal water systems across the province because, in the wake of what has happened in Walkerton, people need to know if their water is safe or if there are problems with their water. Your Minister of the Environment said, "People should look at the ministry's Web site."

We looked at the ministry's Web site. It contains information only for 1996 and 1997. It's three years out

of date. It's incredible that he expects that that is sufficient in the aftermath of this tragedy.

Premier, that is totally unacceptable. Will you, in your position of responsibility, announce to the public of Ontario today that you are going to require the Minister of the Environment to make available immediately all of the current information on water testing for municipalities across the province? Will you make that commitment?

Hon Michael D. Harris (Premier): I think we should go right to the source, the Minister of the Environment.

Hon Dan Newman (Minister of the Environment): Last Thursday I was asked a question regarding water reports, and the leader of the third party asked where he could go to get information. That's what he asked and I directed him to go to the ministry Web site. The ministry Web site has a lot of information on it, including a report, the drinking water surveillance program report from 1997. It does take time to compile these sorts of reports.

We saw just last week, for example, that another agency, the CEC, brought out a report which was based on the same year's data, 1997. It seemed to be fine for the leader of the third party to quote that report last week, but today it doesn't seem to be OK to quote a report from my ministry from 1997.

The Speaker (Hon Gary Carr): Supplementary.

Ms Marilyn Churley (Broadview-Greenwood): I can't believe the games that you are playing today in response to a very serious question from my leader in the wake of Walkerton.

People need to know that their water is safe now, but they also need to know whether their water treatment plant is about to break down. We know, for instance, that in Walkerton the chlorination system had been having serious problems for some time.

Minister, I'll tell you, if this were happening in my town, I'd sure like to know what was going on. Will you—and I ask you again, Minister, don't play games with this issue as you did with the previous question; people of the province want peace of mind—immediately provide a current report on the condition of each of the province's water treatment plants today?

1440

Hon Mr Newman: Indeed, the member opposite should be well aware that Ontario's drinking water is 99.98% meeting the health-related objectives of the Ontario Drinking Water Objectives. In fact, last Monday I made an announcement, and in that announcement I said that each and every certificate of approval would be reviewed for every water facility in this province. We're going to move forward with that and we're going to go further than that, because we're going to ensure that each and every certificate of approval for water facilities in this province is reviewed every three years from that point.

I also announced that labs will now have to be accredited and that any municipality or public utility that runs a water facility in this province will have to inform

the Ministry of the Environment of the change of any lab that may be doing services for them.

The Speaker: New question.

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. Last week in Ottawa I had the opportunity to visit a grade 5 class. During the course of the class, one of the students there asked me if I thought her drinking water was safe. This got me thinking, so over the course of the weekend we drafted a six-point emergency safe water action plan. It provides for the following; we need to do the following things: We need to have a complete inspection of every municipal water treatment facility by a qualified Ministry of the Environment inspector. We need the immediate release of the drinking water surveillance program reports for 1998 and 1999. We need to expand the water surveillance program to cover every municipal water plant. We need to restore tests for deadly bacteria such as E coli. We need a new law in Ontario to enforce every element of the Ontario Drinking Water Objectives. Finally, we need the immediate release of the Galt report on intensive farming.

We find ourselves in an emergency crisis situation. I have put forward a six-point emergency safe water action plan, and I'm asking you, Premier, if you will follow through on my action plan.

Hon Mr Harris: I think the Minister of the Environment can answer that.

Hon Mr Newman: Last Monday I made an announcement regarding certificates of approval for water facilities in this province. In fact, each and every certificate of approval for any water facility in this province will be reviewed. We're going to go beyond that and ensure that once every three years water treatment facilities' certificates of approval are reviewed in this province.

I should note that under this government the number of municipalities or public utilities commissions that are partaking in the Ontario water surveillance program has actually increased, so we're seeing more public utilities and more municipalities choosing to become involved in this.

The member raises the issue of testing for E coli. It's important to note that municipalities and public utilities are already testing for that. Testing done through the drinking water surveillance program is normally only done two to six times per year. That's not enough to test for E coli. It should be done on a regular basis by municipalities and public utilities commissions.

Mr McGuinty: Premier, I have put forward a reasonable, responsible plan which is nothing less than absolutely essential in the circumstances. I can't understand why you didn't take the question and speak to it as Premier of Ontario. People everywhere in our province today are wondering about the safety of their own water supply. They're wondering why you haven't acted in a responsible way to address it through this kind of emergency plan. It is doable, it is cost-effective and it's the kind of thing we've got to do immediately.

By the way, speaking of costs, I've got some bad news for the Mike Harris government. If we're going to address safe water in Ontario, if we're going to make sure that all Ontarians have safe drinking water, we're going to have to spend some money. I don't apologize for making that request. You've cut back the budget by 40%; you let go one third of the staff. If you're going to execute on this kind of plan, you're going to need to hire at least 100 inspectors, and you need to hire them yesterday.

Again, Minister, I ask you, since the Premier refuses to deal with this, will you deliver on this six-point emergency water safety plan?

Hon Mr Newman: In fact, this government brought forward the provincial water protection fund, which was going to be over a three-year period. That money was accelerated so that municipalities could have access to that money over a two-year period because we thought that would be the best way to help municipalities.

But I have to ask this of the Leader of the Opposition. On May 26 in Midland, Ontario, you were quoted as wanting a legislative committee to review this situation. I brought forward a motion last Monday calling for a legislative committee that would be able to travel, just as the Leader of the Opposition wanted, and he voted against that. Now I ask him—he brings forward this idea today—is he going to change his mind tomorrow?

ANIMAL PROTECTION

Mr Doug Galt (Northumberland): My question is directed to the Solicitor General.

Interjections.

The Speaker (Hon Gary Carr): I can't hear. There's a new question, and the member for Northumberland now has the floor.

Sorry for the interruption. Member for Northumberland.

Mr Galt: Thank you very much, Mr Speaker. I was having difficulty hearing myself.

My constituents and the people across this province are concerned with animal cruelty. People are absolutely horrified by some of the awful incidents of cats being mutilated and dogs being dragged behind trucks. A good example of that was in my riding last summer when Nikita was dragged. Anyone found guilty of animal cruelty must receive more than just a slap on the wrist. My constituents in Northumberland and the people of Ontario want to see stronger penalties for those who are cruel to animals.

Minister, could you tell the House what our government is doing to combat animal cruelty?

Hon David H. Tsubouchi (Solicitor General): I'd like to thank the member for Northumberland for the question. First of all I might say that cruelty to animals is totally unacceptable in this province. I've met several times with the Ontario Society for the Prevention of Cruelty to Animals, and they have indicated that what they need here in this province is some assistance in

terms of training of their inspectors so they can better enforce the laws against cruelty to animals. I'm proud to say the OSPCA has actually carried out on their own already the increase in the training for their inspectors to five days from two.

But I'm really proud to say that just recently, on May 24, at a groundbreaking in the great riding of the Honourable Frank Klees, who was there with me, we were able to present to the OSPCA a cheque for \$154,000 to assist the OSPCA in the training of their inspectors. This is important to them, because I think all of us here do understand and believe that cruelty to animals is not acceptable.

Mr Galt: Back in November, I received a letter from the federal justice minister regarding animal cruelty. She informed me at that time that in the very near future she intended to improve the law in this very important area. Following this, the media soon reported that the government was going to update the animal cruelty laws. These laws have remained largely unchanged since 1892, over a century. However, the federal Liberals have run into some problems with their proposed changes because they didn't consult with all their stakeholders. As a result, changes to the Criminal Code to strengthen penalties against those who are cruel to animals may not indeed become a reality. The federal Liberals are attempting to move forward on this important matter, but now they've almost ruined that opportunity.

Minister, could you tell the House what your position is on this lack of decision on the part of the federal government?

Hon Mr Tsubouchi: First of all, I'm really not surprised at the fact that the federal Liberals are making commitments or promises. That doesn't surprise me. I'd be greatly surprised if in fact they actually carried through on a promise or two.

Back on August 25, I wrote to Anne McLellan, who is the justice minister, and asked her, on behalf of the people of Ontario, to increase the fines and jail times for people who are cruel to animals, and said also that if anyone is guilty of abusing an animal they should face the real possibility of not owning a pet for life.

I understand the Liberals have made these promises. I understand as well they've hit a rut in the road to these Liberal promises and have veered off the road, not surprisingly.

1450

ONTARIO REALTY CORP

Mr Dominic Agostino (Hamilton East): My question is to the Premier. I want to ask you about a land deal with the Ontario Realty Corp involving E.C. Drury Park in Milton.

In May 1988, before this property was going to become surplus, your government, through the ORC, accepted a cheque for \$25,000 as a deposit. On July 8, within 24 hours of the town of Milton saying they had no interest in the property, another cheque of \$188,000 was

accepted from the same developer toward the purchase of the property. When I questioned your minister, the Chair of the Management Board, about two months ago, he said the deal was being reviewed: clearly a bad deal, clearly a deal that did not follow the procedures of the ORC.

Premier, as of last week, on May 31, the ORC once again extended the deadline for closure of this deal. They didn't withdraw it, they didn't shut the deal down; they once again extended the deadline for closure. Can you explain to the House why it's in the best interests of the taxpayers for this to occur?

Hon Michael D. Harris (Premier): No, I can't. I'd be glad to get the answer. I assume it's still under review.

Mr Agostino: The situation gets worse, actually. The deal itself was conditional on the OMB approving a zoning change on behalf of the developer. So you're guaranteeing automatically a value increase in property, and the developer can get out of the deal if he doesn't get the zoning change he wants. That is not in the best interests of taxpayers, Premier.

It gets even better. The ORC is refusing to reveal publicly how much was offered for this taxpayers' property, owned by the taxpayers of Ontario. The Ontario Realty Corp will not publicly reveal how much the deal was for. The ORC staffer at that time who was handling the deal was a Mr Vince Catalfo, who is now under investigation for a number of other deals involving the ORC when he was a staff member.

In view of all this evidence, Premier, instead of walking hand in hand with the developer to try to help them through the OMB and increase the property, which was not properly tendered, was not broadly tendered—clearly the ORC procedure was not being followed; the gentleman involved has been involved in a number of questionable deals now under investigation at the ORC. Again, can you please explain to the House why you should not revoke this deal today?

Hon Mr Harris: Because it is up to the ORC and now the independent auditors that have been called in, and thank goodness we have a minister who called them in, to approve or disapprove any of these deals. If you're saying you don't have confidence in the independent auditors—I thought you would have—that's why they were called in.

CURRICULUM

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Education. I have heard from many of my constituents, both parents and students, that it is vitally important that the students of today be ready to successfully compete in the global economy. It is the responsibility of the public education system to prepare our students for the world that exists when they leave high school. I know the students in my riding who I have talked to have many different destinations planned for when they leave high school, but one thing remains constant: They want to be successful, whichever avenue they choose.

Minister, last Friday you released the province's new grade 11 and grade 12 curriculum. How will this new curriculum come to ensure that students are indeed prepared for whichever destination they choose following high school?

Hon Janet Ecker (Minister of Education): First of all, changing the curriculum, making it more rigorous, making it better reflect what students needed to learn, whether they were going to university or to college or directly into the workplace, was a promise we made to the voters before both the 1995 and 1999 elections. To move forward with making a better curriculum. We have indeed delivered on that promise. The new curriculum has our students learning more in earlier grades, learning more of what they need to succeed at university, at college or in the workplace. It has involved hundreds of teachers, educators, parents. It has just been a massive and incredibly intense and very productive consultation exercise to write all of the new curriculum documents, and I thank all of the individuals who were involved in this.

I'd like to also say that we've released this grades 11 and 12 curriculum, and it's a full year ahead of when grade 11 will actually start.

Mr Stewart: I'm proud to see this government is committed to improving the publicly funded education system. Indeed, I am very proud, and I feel confident that the students in my riding will benefit from the education reforms of this government.

Interjections.

Mr Stewart: I hope they learn not to speak when other people are talking, too.

An improved curriculum, teacher testing, student-focused funding and a code of conduct for all Ontario schools are highlights of the education reforms that we have committed to and depend upon.

Minister, my constituents believe that a student's education should be well-rounded and include many subjects, from math to history. Can you tell my constituents where emphasis is placed in this new curriculum?

Hon Mrs Ecker: We've spent a considerable amount of time listening to what those in colleges and universities and employers said that our young people needed to know before they left high school so that they could succeed. The new curriculum very much responds to that, with the advice of hundreds of teachers and educators and parents who were part of this. It provides a very solid foundation in English, sciences and math courses. It has a new emphasis on Canadian history and civics, something that we heard very clearly needed to be done. There is much more emphasis on technology programs, on life skills that students need to know in order to succeed. It is very much focused on helping our young people succeed, not only in the workplace but also as individuals in the community. It really has been a wonderful opportunity to improve the curriculum.

We've followed this up. In the 11-12 curriculum, there will be some \$200 million going out to assist teachers—

The Speaker: The minister's time is up.

IPPERWASH PROVINCIAL PARK

Mr Howard Hampton (Kenora-Rainy River): I have a question for the Premier. Premier, for five years you have been stonewalling against requests for a public inquiry into the death of Dudley George at Ipperwash. You have said, time and time again, that a public inquiry cannot happen until the criminal proceedings are completed and any civil legal proceedings are completed.

Last week, after the Walkerton tragedy, you were forced to do the right thing and call a public inquiry into the events at Walkerton and the safety of Ontario's water supply, despite the fact that there's an ongoing criminal investigation and civil legal proceedings are about to commence.

Premier, you have absolutely no excuse for refusing a public inquiry into the death of Dudley George. You have no leg to stand on. Premier, when will you call a public inquiry into the death of Dudley George?

Hon Michael D. Harris (Premier): I think the Attorney General can respond.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The incident at Ipperwash of course was a tragedy. As the member opposite knows, there are two outstanding criminal matters still pending in Ontario arising out of the situation at Ipperwash. As you know, there are no criminal charges arising out of the incidents and events at Walkerton. That's a pretty serious difference that I'm sure a former Attorney General would understand—the difference between a criminal appeal on its way to the Supreme Court of Canada, which we have in the Ipperwash situation, and another criminal charge that has been dealt with by the Ontario Court of Appeal but I believe we're still within the appeal period to launch an appeal with the Supreme Court of Canada—very basic differences.

Mr Gilles Bisson (Timmins-James Bay): By way of supplementary, first of all I'm disappointed that the Premier chose not to answer that question, even on a day when we have a number of native leaders here in the Assembly itself on other issues that they're trying to get your government to deal with, and you guys don't even want to move.

On the issue, to the Attorney General as a follow-up, you say because there are criminal charges you can't move. I want to quote something that was said by the Premier last week when commenting on the Walkerton situation. He said: "I think the committee ought to be able to get started right away and be able to deal with information right away. Even if there are criminal charges or other court actions...."

So the question to you simply is this: If it was OK for the Premier last week to move on the issue of Walkerton, why is it that you don't want, on this day, to deal with what happened in Ipperwash and call for a public inquiry?

Hon Mr Flaherty: I would remind the member opposite that in the Ipperwash situation, the appellant Ontario Provincial Police officer has appealed the Court

of Appeal dismissal of the appeal of conviction to the Supreme Court of Canada. That appeal to the Supreme Court of Canada is pending and has not yet been heard. As that matter is still before the courts, I'll say nothing additional about that.

In the other criminal matter arising out of Ipperwash, the Ontario Court of Appeal reserved its decision on July 8, 1999, and subsequently rendered its decision. As I indicated in response to the previous question, I believe the time for appeal to the Supreme Court of Canada has not yet expired with respect to that criminal matter. There are fundamental differences.

1500

GRANDVIEW TRAINING SCHOOL
FOR GIRLS

Mr Michael Bryant (St Paul's): My question is for the Premier. Sitting in the west gallery are three survivors of the Grandview-Galt school for girls tragedy: Donna Lee, Linda McNeil, and her daughter, Heather Fudge. They, and the official opposition, want you to release the internal investigative report undertaken by the government of Ontario in 1976 on the Grandview-Galt school for girls. Will you release this report now so that the full story can be told about this horrible tragedy at Grandview-Galt?

Hon Michael D. Harris (Premier): That should appropriately be addressed by the Attorney General.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): In response to the question from the member for St Paul's, as he may not know—and he should know this—there are ongoing police investigations with respect to the very serious, tragic occurrences at Grandview. In those circumstances of ongoing police investigations, it is inappropriate and it would be inappropriate to release the report. Indeed, this matter has been dealt with, as the member may or may not know, by the Ontario Court of Appeal in 1993 or so. When a freedom-of-information application had been made, the director of the Archives of Ontario, as I understand it, declined the application; that was appealed to Divisional Court and the Court of Appeal. Ultimately, the Ontario Court of Appeal indicated that it would not be appropriate to release the report, given the criminal matters that were proceeding at that time. I say to the member now that he should know these criminal investigations are ongoing.

Mr Bryant: I can't believe it. In 1976 this report is completed. The culpability of the government of the day has never been addressed. The survivors were told that after the apology was given by the Attorney General, myself and the leader of the third party, at that time the report could be released and the story could be told. There are women who are in their 80s. They are going to die before the full story is told.

I'm not the first one to ask for this report to be divulged. Another Attorney General critic asked for this report to be divulged, in 1994. He said, "This report

should come out now." He said, "The public is entitled to know something." Who am I talking about? Your predecessor, Charles Harnick. Will you release the report, or are you going to continue to cover this up?

Hon Mr Flaherty: I've already indicated to the member opposite that there are ongoing police investigations, and that of course is an important matter.

I'll say this also to the member opposite. I met with the Grandview survivors at the time I made the apology in this place on behalf of all of us in this Legislative Assembly in a very, very serious and tragic situation that had many victims. One message was very clear from the victims with whom I met, and that is that they want the persons brought to justice, to criminal justice, who were responsible for these activities. That is what the police are trying to do. I would think the member opposite would want the police to do their job and take as long as it takes to do it properly on behalf of the survivors of Grandview.

EARLY CHILDHOOD EDUCATION

Mr Frank Mazzilli (London-Fanshawe): My question is for the minister responsible for children. Last fall, you announced five early years demonstration projects to test and build upon several different approaches to supporting good early childhood development and parenting. One of the five sites is located in my community of London. Could you please tell us more about the demonstration projects?

Hon Margaret Marland (Minister without Portfolio [Children]): I'd like to thank Frank Mazzilli, the member for London-Fanshawe, for his interest in our continuing support for Ontario's young children and their families.

These demonstration sites are very important and they are very valuable. We have committed \$1.7 million over the next 18 months to these projects. The early years task group, which we announced very recently, will advise our government on the key elements for a province-wide program. They will deliver a final report to me by April of next year.

This fall our government will launch the early years challenge fund. This fund will grow to \$30 million next year and will match contributions from business, voluntary and charitable sectors to support early child development and parenting programs in our communities. The early years are crucial to helping children reach their full potential, and we are firmly committed to creating that program.

Mr Mazzilli: My constituents certainly appreciate it. As you can appreciate, my riding of London-Fanshawe is filled with hospitals, and the federal Liberals have cut health care funding and presently only fund 10% of health care, which is an important issue.

Minister, can you be more specific on the issue of the early years project in other ridings?

Hon Mrs Marland: All five of these demonstration projects have made substantial progress. They have

established unique leadership models with broad-based representation while securing financial commitments from local businesses, service clubs, charitable and voluntary sectors.

These early years demonstration projects are also broadening public awareness on the importance of early child development and parenting. Investing in Children is the name of the program in London and it's one of these five projects. They have held successful business community breakfasts and have identified specific ways to support the early years initiatives in 13 London neighbourhoods.

I'm very excited about the outstanding progress of these projects, and I'm proud of Premier Harris's vision for our children in this province.

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): My question is for the Minister of Health. Last Friday at 3 pm, the appointed board at Cancer Care Ontario shut down the annual CCOR meeting to be held in Sudbury because your government has no answers to the questions northern cancer patients were going to ask about your travel policy.

No matter how you spin it, Minister, I suggest to you that a cancer patient who has to travel for care is a cancer patient who has to travel for care. It's as simple as that. A person living in Smooth Rock Falls who has to travel 395 kilometres to Sudbury for treatment receives \$122. A person from Toronto who has to travel 390 miles to Sudbury for care receives return airfare, all meals and all accommodation costs. Do you believe that the cancer patient travelling from Smooth Rock Falls is being treated with the same fairness as the cancer patient who has to travel from Toronto?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The member is doing the same thing as his leader did earlier. He is deliberately trying to confuse the issue.

Let's understand very clearly that when we talk about the Cancer Care Ontario program, the re-referral program covers only cancer patients who are re-referred for radiation treatment. This is a temporary program to ensure that those who need early radiation treatment can be treated in a timely manner. There is no inequitable treatment between people in any part of this province. They all receive the same type of care and support.

The northern health travel grant program is a permanent program as the member knows. It is designed to assist any resident of northern Ontario who must travel a distance for medical care. As the member knows, the two programs have been designed for two—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary.

1510

Mr Bartolucci: The rhetoric really is meaningless here, because you're avoiding the issue. Minister, cancer patients and their families are fighting the toughest

battles of their lives. Those living in northern Ontario are embattled twice: once by the illness they are fighting and the second battle through your government's inequity in the travel policy.

Instead of fixing the problems you have with your health care apartheid and solving the problem, here is what you've done: You didn't reappoint Gerry Loughheed Jr chair of the northeast regional CCOR, probably the most knowledgeable volunteer for cancer care in Ontario, because he chose to tell the truth about your policy. You cancelled the June 6 annual meeting, effectively shutting down democracy for those people who wanted to explain to your official. Your bias convinced Mr René Boucher from Iroquois Falls to file a discrimination complaint with the Ontario Human Rights Commission. Finally, you forced 23 cancer victims to join forces with me in exploring the possibility of launching a class action lawsuit.

My question to the minister is simple: When will you accept responsibility for this health care apartheid and, more importantly, why will you not fix it?

Hon Mrs Witmer: I guess my question to the member opposite is, why would he deliberately mislead people?

Interjections.

The Speaker: Order. I've got it. The minister can't say that. I'd ask that she withdraw that.

Hon Mrs Witmer: I would withdraw.

Why would the member not acknowledge that there are two programs? He is trying to indicate that they are used for the same purpose. There is a re-referral program that has been introduced by Cancer Care Ontario which supports all people in the province, and there is a northern travel grant. The two programs are designed to meet different purposes and they are designed to meet different needs. For whatever reason, the member is confusing the two programs. Perhaps he really doesn't understand the difference.

PROBATION AND PAROLE SERVICES

Mr John O'Toole (Durham): This is for the Minister of Correctional Services. Recently, articles in the press have been appearing claiming Ontario has a very poor probation system. In fact, an Ottawa judge claimed that the probation system was unable to provide proper supervision, and the judge instead imposed a 60-day intermittent jail sentence.

Lately, judges have echoed probation and parole officers' concerns that funding for community corrections is inadequate and putting public safety at risk. Probation officers in my riding of Durham have been echoing the same comments.

Minister, what is correctional services doing to address the probation and parole officers' concerns about high caseload?

Hon Rob Sampson (Minister of Correctional Services): I too have been reading the reports of members from the bench who have been commenting about

particular cases before them. I too in fact have met with the Probation Officers Association of Ontario to talk about probation and parole in this province.

What I'm hearing from those two groups and from the people of this province is that they are concerned, as I am, that we need to have an effective and, frankly, a much more disciplined probation and parole system in this province. That is what we are intending to do. In fact, we were committing to that when the Minister of Finance stood up in this House just last month—I think it was almost this day a month ago—on the budget, the first time this province has had a balanced budget in years. He stood up and committed that we would hire, through extra funding for this ministry, additional probation and parole officers to help deal with the very difficult caseload—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mr O'Toole: Thank you very much for that very thorough response. I like the way you related it to the budget. The Minister of Correctional Services has committed to improving the Ontario correctional system, and I feel confident that you're just the right person for the job.

I'm aware of intermittent sentencing authorized as a sentencing option for judges throughout the federal criminal system. It is my understanding that intermittent sentencing contributes to the workload of jail staff on weekends and is a source of contraband, such as drugs and alcohol, being smuggled into institutions. Minister, what steps are you taking to put an end to intermittent sentencing in our jails?

Hon Mr Sampson: The member from Durham is always quite insightful; in fact, he's very insightful when he wants to speak about the challenges of intermittent sentencing. All three justice ministers in this province have written to the federal justice minister asking her to pass legislation in the House of Parliament in this country to get rid of intermittent sentencing. But like our request to deal with tough and effective young offenders' legislation, like our request to deal with probation and conditional sentencing, like our request to deal with young offenders who are committing serious and violent offences, it's fallen on deaf Liberal ears up there. They have no intention of paying attention to a get-tough-on-crime program in this country. Why? We don't know. We need to deal with intermittent sentencing because it is providing a very difficult challenge for our correctional officers in this province who have to deal with individuals—

The Speaker: Order. I'm afraid the minister's time is up. New question.

NORTHERN HEALTH TRAVEL GRANT

Ms Shelley Martel (Nickel Belt): I have a question for the Premier. Your government is doing whatever it can to try and silence those critics of your government's discrimination against northern cancer patients. You are

dumping Gerry Loughheed Jr from the Cancer Care Ontario board because he dared name the situation for what it is, which is health care apartheid. Your chair of Cancer Care Ontario, Peter Crossgrove, reportedly said at Friday's emergency meeting that you, Premier, were very upset with how this issue has been publicized, sending a clear message to other board members on how to vote to cancel tomorrow's regional meeting. You also seem to be completely unwilling to intervene to ensure that the annual meeting of the northeastern Cancer Care Ontario regional council will take place tomorrow so that northern Ontario cancer patients will have an opportunity to have their say.

For 14 long months now, your government has paid all of the costs for southern Ontario cancer patients who have to travel far from home for cancer care. You did this upon recommendation from CCO, who argued it was necessary because, and I quote, "These patients would not normally have to travel long distances for their treatment."

Every day, northern cancer patients have to travel far from home for treatment in Sudbury and Thunder Bay. They have to leave the north for treatment in Toronto and Ottawa, and still your government refuses to deal with this discrimination, with this inequity. Your Minister of Finance and your Minister of Health said one month ago that this situation would be reviewed. When are you going to end this discrimination against northern cancer patients?

Hon Michael D. Harris (Premier): I think you've heard from the minister very well that there is no discrimination. This is not an Ontario government program like the northern health travel grant. This has been brought forward by Cancer Care Ontario itself. I'm not aware of a meeting that was to take place, nor of the cancellation of a meeting. That is up to Cancer Care Ontario itself.

In addition to the Cancer Care commitment of full expenses to be paid if somebody from the north has to go to the south or somebody from the south has to go to the north, of course there is the northern travel grant that only those in northern Ontario have. In fact, people in southern Ontario don't have that program.

Ms Marilyn Churley (Broadview-Greenwood): On a point of order, Mr Speaker: In 1994-95, the NDP government transferred \$200 million to the Ontario Clean Water Agency. On May 31, 2000, the Minister of the Environment said it was an NDP cut. I'm asking for unanimous consent to allow the Minister of the Environment an opportunity—

The Speaker (Hon Gary Carr): Order. Would the member take her seat.

Is there unanimous consent? No. All members know that a member can change their own record at any period in time.

1520

PETITIONS

EDUCATION LEGISLATION

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for all students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student; and

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute power for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education; and

"Whereas we believe only one-and-a-half days of public hearings is both a sham and a shame;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold" full "public hearings on Bill 74" across the province "immediately."

I affix my signature to this petition as I'm in agreement with it and give it to Maria Dombrowsky to bring to the table.

CAMPING

Mr Gilles Bisson (Timmins-James Bay): I have here a petition signed by a number of people from the Schumacher-Timmins area in regard to the banning of camping in northern Ontario, down to 21 days cumulatively for any particular camper, something which I think is absolutely ridiculous. It reads as follows:

"To the Parliament/Legislative Assembly:

"We, the undersigned, want our camping back for all summer, as it was previously, working under the Ministry of Natural Resources with an elected associate and stewards. Camping for only 21 days in a year is not justified at our campground as we have never experienced any problems in the past and have taken great care to meet and exceed all of the ministry's demands on us.

"We, the undersigned, petition the Parliament/Legislative Assembly of Ontario" to stop the discrimination against campers.

I affix my signature to this petition.

OAK RIDGES MORaine

Mr John O'Toole (Durham): It is my pleasure to present a petition as quickly as I can here. I was speaking this morning with Josie Watts, who lives in Wilmot Creek, and she echoed her support for this petition as well.

"To the Legislative Assembly of Ontario:

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch-Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington; and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine;

"Provide a policy statement to enshrine its position."

I'm pleased to support this petition and read it today.

MUNICIPAL RESTRUCTURING

Mr Michael Gravelle (Thunder Bay-Superior North): People in my constituency are very unhappy about the amalgamation of Beardmore, Longlac, Geraldton and Nakina into one large municipality. I have petitions from thousands of people. If I may, I'll read the petitions from the town of Longlac right now.

"To the Legislative Assembly of Ontario:

"Whereas the corporation of the town of Longlac is an incorporated municipality; and

"Whereas the act provides for the amalgamation of towns and townships for economic purposes; and

"Whereas the province has implemented legislation creating district social services area boards and area services boards; and

"Whereas area services boards have taxing authority; and

"Whereas the economic justification for the creation of Greenstone no longer exists; and

"Whereas the residents of the town of Longlac would like to continue to live in the municipality known as the corporation of the town of Longlac;

"We, the undersigned, petition the Legislative Assembly of Ontario to ensure that the corporation of the town of Longlac continues to be a separate municipality in the province of Ontario."

We have over 600 signatures from Longlac and many more that I want to read later from other communities such as Beardmore, Jellicoe and Nakina.

EDUCATION LEGISLATION

Mr Bob Wood (London West): I have a petition signed by 113 people. It calls on the government to hold public hearings on Bill 74 immediately.

The Acting Speaker (Mr Tony Martin): Further petitions.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My petition is to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I'm very happy to add my name to this petition.

OAK RIDGES MORaine

Mr John O'Toole (Durham): At the risk of repeating myself, I'm going to read the petition again. I've got a number of these. Gwen Meraw has brought these to my attention. She's with the Catholic Women's League at St Joseph's in Bowmanville.

"To the Legislative Assembly of Ontario:

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch-Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington"—most of which is in my riding—"and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine;

"Provide a policy statement to enshrine its position."

I support this petition, and I will sign my name to it.

CORRECTIONAL FACILITIES

Mr David Ramsay (Timiskaming-Cochrane): I have a substantial petition here to the Legislative Assembly of Ontario.

"Whereas the government of Ontario has stated its intention to close the Monteith Correctional Centre; and

"Whereas this closure will result in the loss of 90 jobs in Iroquois Falls and the surrounding area; and

"Whereas this job loss will be devastating to the community,

"We, the undersigned, petition the Parliament of Ontario as follows:

"We call upon the government of Ontario to cease plans to close the Monteith Correctional Centre and continue to publicly operate this facility."

I have affixed my signature to this.

PENSION FUNDS

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ministry of Health announced a new model on January 25, 1996, for improving and coordinating long-term care services. The amalgamation of the home care and placement coordination services function did shift to community care access centres (CCACs). The governing bodies of various pension plans, namely the Ontario Municipal Employees Retirement Savings (OMERS), Victorian Order of Nurses (VON), Family Services Association (FSA) and Hospital of Ontario Pension Plan (HOOPP) have failed to successfully negotiate agreements for a transfer of pension assets.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the pension adjustments are a transition item which the ministry has not yet addressed. We are requesting a one-time adjustment to enable the transfer of pension assets. This transfer is required to ensure that employees transferred from predecessor employers (namely health units and the Victorian Order of Nurses) to community care access centres as part of the mandatory government reform initiative for 'single access to long-term-care services' receive pension benefits equal to those which they formerly enjoyed. Provincially over 3,000 health care workers are affected. The individuals who transferred to the CCACs had no control over what would happen to their prior pension contributions. Unless a one-time adjustment is made to enable the transfer of reserves, the typical employee will lose about \$2,000 annually in pension benefits compared to the position

they would have been in had they been allowed to remain in OMERS."

I affix my signature to this petition.

HEALTH CARE FUNDING

Mr Ernie Parsons (Prince Edward-Hastings): I have a petition relating to health care, signed by about 250 constituents.

"To the Legislative Assembly of Ontario:

"Whereas Canada's health care system is one of our greatest achievements as a country;

"Whereas health care in Ontario has deteriorated, with medical services being reduced and hospital budgets cut to the bone, resulting in lengthy delays in treatment, with sometimes fatal results;

"Whereas major changes in health care legislation by the Harris government have been made with no prior public consultation;

"Whereas residents of Prince Edward-Hastings are demanding that their voices be heard and their concerns addressed to ensure that future health care legislation meets their needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to call on the Harris government to protect our valued health care system and to hold public hearings on Bills 23 and 173."

These petitions combined with earlier ones I believe total about 1,200 names, and being in complete agreement, I am pleased to add my name to this petition.

1530

EDUCATION LEGISLATION

Mr Carl DeFaria (Mississauga East): I have a petition.

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

NORTHERN HEALTH TRAVEL GRANT

Mr David Ramsay (Timiskaming-Cochrane): "To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislative Assembly to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I affix my signature to this.

HIGHWAY SAFETY

Mr Pat Hoy (Chatham-Kent Essex): To the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

"Whereas road funding is almost completely paid through vehicle permit and driver licensing fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to over \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with full paved shoulders and rumble strips; and

"We respectfully request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements in Ontario."

This is signed by a number of residents in Chatham, and I affix my signature to it.

MUNICIPAL RESTRUCTURING

Mr Michael Gravelle (Thunder Bay-Superior North): I have other petitions of communities opposed to the amalgamation of Beardmore, Jellicoe, Nakina, Geraldton and Longlac into one huge community called Greenstone. I'll read now the petitions from the township of Beardmore, and we have hundreds of people who have signed petitions.

"Whereas the corporation of the township of Beardmore is an incorporated municipality; and

"Whereas the corporation of the township of Beardmore has continued to operate in a fiscally responsible manner as a community in its own right since 1945; and

"Whereas amalgamation with other distant communities could prove to be detrimental to the individualistic and financial lifestyle associated with living in the township of Beardmore; and

"Whereas the economic justification for the creation of Greenstone no longer exists, and its creation may result in a loss of local services and an increased tax burden on the residents of Beardmore; and

"Whereas the residents of the township of Beardmore would like to continue to be the municipality known as the corporation of the township of Beardmore;

"We, the undersigned, petition the Legislative Assembly to ensure that the corporation of the township of Beardmore continues to be a separate municipality in the province of Ontario."

I am pleased to sign my name to that petition.

OPPOSITION DAY

ENVIRONMENTAL PROTECTION

Mr James J. Bradley (St Catharines): I move the following motion:

That this House recognizes this government has abandoned responsibility for protecting our environment, resulting in the Walkerton E coli disaster, 1,800 deaths a year from air pollution, polluters not being prosecuted, and Ontario becoming the third-worst polluter in North America; and that this House demands that the government finally take action on this serious problem by:

(1) Beginning to restore the 40% cut to the budget of the Ministry of the Environment; and

(2) Beginning to restore the one third of Ministry of the Environment staff that the government has laid off; and

(3) Beginning to get tough with the polluters of Ontario.

It is the Minister of the Environment we wish to do that.

The Acting Speaker (Mr Tony Martin): Mr Bradley moves opposition day number five.

Mr Bradley: I wish I didn't have to make this address to the House this afternoon, because I wish the tragedy in Walkerton never did happen. The fact is that the tragedy in Walkerton was a crisis just waiting to happen. Whenever you place the province at great risk in one way or another by government abandoning its traditional and important responsibility, you then put the province at risk. That is exactly what has happened with our drinking water. Regrettably, it has taken the deaths of at least seven people—that's at least seven that today can be attributed to the drinking of water with E coli in it; perhaps there are more—and hundreds of people who are seriously ill in Walkerton to focus attention on the issue of the safety of drinking water in Ontario.

This, in my view, is a defining moment for the Harris administration and for the Common Sense Revolution. Those of us in the opposition, certainly we in the Liberal Party and the New Democratic Party, environment groups across this province and independent adjudicators of the environmental scene have warned this government time and again, indeed people within the ministry itself have warned this government, that it is placing our environment, the health and safety of people and of other life in the province in jeopardy with massive cuts to the Ministry of the Environment, massive cuts to the Ministry of Health and massive cuts to the Ministry of Natural Resources, and also to the Ministry of Agriculture. All of these in one way or another have a role to play in protecting the environment, as indeed all ministries do.

For years this has been brought to the attention of this government. When conservation authorities were cut, people said, "Well, they can do without the funding." What they forgot was that conservation authorities have a lot to do with surface water management. We know that the Ministry of Agriculture and Food would like to address the issue of groundwater problems and runoff that goes into our waters. This has been postponed. This has been pushed into the background. There have been cuts to the Ministry of Agriculture and Food.

But what has been most appalling has been that over 40% of the budget of the Ministry of the Environment and about one third of the staff have been cut, these people sent out the door. These are scientists, these are technicians, these are people who do the actual paperwork. It may seem tedious and unimportant, but it is exceedingly important. These are technicians in laboratories; these are people who are involved in environmental assessment; these are legal people; these are inspectors; these are investigators. All these people have been fired out the door, while there was a lot of cheering on the sidelines.

I know where the cheering came from. The polluters of this province were happy. When some of the more

right-wing members of this government went to the business types who—not the good business people who are there to protect the environment, who understand the importance of preserving the environment, but to those who thought the government was in their face. There were two promises I can remember being made, one by Mike Harris saying not a penny would be cut from the Ministry of the Environment budget—he said that in 1995. Well, that was certainly not a promise made, a promise kept. That was a promise broken. The one that was kept was, "We'll get the Ministry of the Environment out of your face," and indeed the Ministry of the Environment is out of a lot of faces today. And we're paying the consequences, not only in the field of water safety but in so many fields for which the Ministry of the Environment has responsibility.

1540

We had the Provincial Auditor, in his report which came forward—the Provincial Auditor is totally independent; he's not political at all. He's a person who's an officer of this House. He warned us about the problems with the drinking water system and indeed of other environmental problems. That was Erik Peters.

Eva Ligeti, who was the Environmental Commissioner, warned us about problems with the drinking water system. Her reward was to be booted out of office; she was fired by this government. They can say, "No, her term was up," they can say what they want; she was doing an excellent job as Environmental Commissioner. I was at the last press conference she gave and the one question that wasn't asked—I suggested to somebody that they ask the question near the end—was, "Do you think your job's in jeopardy as a result of this report?" I knew it was in jeopardy because this government does not brook criticism; if you disagree with this government, whether you're a hospital board, whether you're any kind of board they have to deal with, they bully you out of the way. That's the consequence you pay, and she paid the price, for being honest and forthright with the people of the province. She got fired.

And who did they replace her with? They replaced her with the president of the Progressive Conservative Association federally in North Bay, in the riding of Nipissing, a person who was twice a Progressive Conservative candidate. Now, he may be a fine gentleman, he may fit another responsibility where you actually want to implement government policy; but you do not take a person who's been a critic of the government out of that position and put a person who's going to be compliant with the government, who is a known friend of the government and a known friend of the Premier in a position where that person is a watchdog. It's unfair to that person and, most important, it's unfair to the people of this province. But that's what happened, and that's what always happens with this government. As soon as you disagree with it, as soon as you dare to criticize it, you're in trouble. That's why so many people were silent while they destroyed hospitals in this province, while educational

institutions were underfunded, while some municipalities were underfunded.

And mentioning municipalities, the most ridiculous situation exists today: The Premier is now blaming the municipalities. I thought it was the NDP that was at fault, because the Premier said, when he was up in Walkerton, "Well, it was the NDP." That was a silly accusation; it had nothing to do with the NDP. And then he turned around and said: "It's human error. There's nothing wrong with us; it's human error." Then he found out that wouldn't fly. Then he was being pressed for a public inquiry and he said: "It's the opposition's fault. I guess I have to call one." Because they wanted a legislative inquiry where the Tories would dominate and dictate who could be seen and when they could be seen. And today it's the municipalities. He said, "If only they had spent their money on water and sewer projects."

Let me tell you something: They have to spend so much money on other projects that have been downloaded by this government, other responsibilities—land ambulances, public housing, public health, roads—a number of things that have been downloaded to municipalities. In the region of Niagara there was an \$18-million additional responsibility that they had to take on—that's net—as a result of the downloading exercise. And then he says it's the municipalities' fault. They should be insulted. I hope to hear from AMO on this. I'd like to see the Premier at the next AMO conference getting the standing ovation from some of the compliant and agreeing municipal heads out there. I want to see those people standing and applauding as the Premier accuses them of being responsible for the water crisis in this province. Clearly, they are not.

We've had a series of reports. We have the Sierra Legal Defence Fund report. The member for Broadview-Greenwood and I attended. We were lonely at that because we didn't see too many members of the news media at that time; they were busy with other things, I'm sure. I looked and there was very little attention given to that. That was a major report. Do you know what it said? "Who's watching our waters?" Well, we know who's watching our waters today.

We've had the North American Commission for Environmental Co-operation—and I must congratulate the government. You've fallen from second place to third-worst polluter in North America, according to their report.

The Canadian Institute for Environmental Law and Policy, the Conservation Council of Ontario, the Ontario Medical Association and the Ontario Clean Air Alliance have all been issuing reports critical of this government's environmental record and lack of environmental initiatives. And what happens? No action until, as Jim Coyle said in his column last Thursday, seven dead people.

They've closed the Ministry of the Environment labs. They were good labs. They were top-notch people. I'm going to tell you something I truly believe, and there's nothing political in this. I truly believe that if the Ministry of the Environment had found the results of that test,

they would have immediately notified the medical officer of health and things would have been shut down in Walkerton, because that's their responsibility. They're accountable to the cabinet, they're accountable to this House, and they're accountable to the people of this province.

We also had a situation where the Ministry of the Environment staff were so stretched that they were unable to follow up on the situation in January and April of this year, when Walkerton's water showed some signs of contamination. That happens with so many municipalities, because these people are run ragged. They're unable to do half the things they used to be able to do just a few years ago.

We have the resources stretched to the limit, people fired out the door, even in the water divisions—various divisions which I've talked about in this House before. Those people were fired out the door because they were considered to be unnecessary. We're way behind in the discharge reports and the drinking water reports. They used to be out yearly. I know they're difficult to compile, but when you have no staff, you can't compile them at all. They're way out of date, so the public doesn't know what's going on.

Then we have the announcement about the Red Tape Commission—just last week, Frank Sheehan and Bob Wood as chairs of the Red Tape Commission. What was their responsibility? To get these regulations out of the way that are bothering people, bothering polluting people, and to weaken legislation. So we've had legislative moves and regulatory moves which have weakened the regime in the province when it comes to controlling the environment, and that is simply not acceptable, but that was very, very predictable. I hope all the people out there who applauded that effort and said we had to get rid of red tape understand what it means today to get rid of that red tape. The same people who applauded these massive tax cuts—while this government is cutting essential services to these people—I hope they understand today the consequences of the Common Sense Revolution, because the people of Walkerton do, and people in the rest of this province too.

The environmental assessment and approvals situation has been weakened considerably in this province. That's not a glamorous part of the job, but it is an important part of the job. I notice they sent OCWA up there, the Ontario Clean Water Agency. You know what they want to do with that? They want to undermine it with every effort possible, and they want to privatize it. That's what they think of OCWA. But I'll tell you, when they were in the middle of a crisis, they called OCWA to go up there. That is a public institution. It's distant from government now, but it was an important component in the protection of the environment.

Premier Harris, who's blaming everybody else—today the municipalities—is always first in line to take the credit, last in line to take the responsibility and first to point the finger somewhere else. This risk to drinking water and risk to the environment sits squarely in the

hands of the government. They made a decision: Tax cuts are popular.

You know what? I look at the \$200 that's going out to everybody. How many people in Walkerton do you think would like to have that \$200 spent on environmental protection? How many people in this Ontario of ours would say, "Keep the \$200—it's a stupid public relations trick—and spend that on essential services"?

That's how we're different from Americans. We believe in strong protection for our environment and for our health care in this province.

This government claims to be tough on crime. Well, they're soft on environmental crime, because the prosecutions are way down in this province. As well as that, the fines are way down. Ministry staff have been told to offload responsibility to municipalities for what they call the minor crimes. That's not what they think about when they think of Rudy Giuliani. These people think that small crime should be dealt with when it's squeeze kids, but when it's environmental polluters, well, let's forget about those. Staff have been told to be business-friendly in the Ministry of the Environment. They know what "business-friendly" means. It means to ignore many of the environmental problems that we have.

I'm down to one minute. It's unbelievable, but I'm down to one minute this afternoon. That's what happens with these new rules in the House, by the way: We never get to debate these things as we should.

1550

What can I say in the one minute that hasn't already been said, I suppose? Let me put it this way. I was part of a government that invested hundreds of millions of dollars in environmental protection and hired hundreds of staff, key staff, to help implement that policy. We were criticized for that. If I am to be accused of spending hundreds of millions of dollars to protect the safety of drinking water in this province and the environment in this province and hiring the staff, the expert staff and the dedicated staff to do it, then I plead guilty this afternoon and I would never change that again, for we're seeing the consequences of avoiding that investment and avoiding the implementation of staff changes that are required to implement those policies.

There are many stories in the newspaper which talk about the dreadful state of the Ministry of the Environment today and the discouragement that people have. I hope that the province has awakened to a genuine crisis in our environment.

Ms Marilyn Churley (Broadview-Greenwood): I can't say I'm happy to participate in this debate today, because it's a very unhappy occurrence indeed that causes us to be here today having this debate. However, it does give us an opportunity to discuss what happened and what we might be able to do to make a difference in the future, because that is absolutely the only good that can come out of this terrible tragedy.

One of the things that I want to do first is put on the record—and I stood on a point of order; it wasn't a real point of order, as pointed out by the Speaker, but I

wanted the Minister of the Environment to correct his record from May 31, 2000. Just a few days ago in this House, in response to a question I asked him, he mentioned to me that the NDP had cut \$200 million from the Ministry of the Environment. Since that time I've heard other members say that. In fact, I was on Focus Ontario, I believe it was, with the member for Northumberland, who said the same thing. It sounds like members have been told: "Hey, this is the line. Say that the NDP cut \$200 million from the environment budget."

They know that that isn't so. What had happened—

Mr Doug Galt (Northumberland): It is.

Ms Churley: No, it isn't a fact, and listen carefully. The NDP government spent more money on sewer and water projects than ever before, more than any other government in this province. The \$200 million was transferred from the Ministry of the Environment budget right over to the newly created, highly respected Ontario Clean Water Agency. That's what happened to that \$200 million. And I don't want to hear another member in this House from that side, from the government side, use that as yet another blame tactic to blame somebody else, when it isn't the fact. The \$200 million went directly into sewer and water projects in this province. So I hope that is the end of that.

Mr Speaker, I want to read to you a couple of excerpts from Hansard just to put this in perspective. This didn't just come out of the blue, as you know. I'm going to read from Ontario Hansard, April 22, 1997, and the first quote is from my leader, Mr Hampton, who's asking a question to the Premier. This is after an Environmental Commissioner's report. His first question is: "What will it take to get him to realize that his government has to stop clear-cutting the laws that protect Ontario's environment? What will it take?"

Then later on Mr Hampton says: "It's obvious that the Premier hasn't read this report. Premier, this report has nothing good to say about your government. In fact, this is what it says in reference to your government's decisions. In reference to one decision, it says, 'This decision most likely increases the risk of inadequate drinking water testing in Ontario.'" That's what the report said.

Mr Hampton went on to say: "Drinking water, Premier—essential for human health. Then it says, 'With budget and staff cuts announced in 1996, it is questionable whether MNR will be able to adequately audit and enforce the law.'"

Then on that same day a question from me to the Premier—this is something that I said: "Premier, as the Environmental Commissioner says, the problem is that the commission last year stopped testing water supplies and forced municipalities to pay private labs up to five times as much as the cost in the ministry labs. That means taxpayers are paying more, and it's not even a legal requirement that they're certified or accredited labs." Then I asked: "Premier, is this government so out of control, are you so determined to download and privatize, that you won't even take responsibility for safe drinking water?"

That was in April 1997 when these facts were pointed out to the government of the day. Let me go on. In Hansard from June 24, 1996, I'm quoting from a speech I was giving to the House about environmental deregulation and cuts:

"Then the total 1995-96 operating budget, MOEE capital budget reductions, reduced municipal assistance programs, the Ontario Clean Water Agency; I'm going to dwell on that for a minute because I think we're going to have some serious public consultations about what's happening to the protection of our drinking water. If there's anything more fundamental—I guess the air we breathe—but our drinking water. Reducing the municipal assistance program, otherwise known as MAP, is absolutely unbelievable."

I go on to say: "I remember recently, and we'll all remember, that in this House we heard about cryptosporidium in the water in Collingwood. The minister said there was no proof that it was caused by the agricultural runoff, but what we found out is that the commissioner of the environment said there was a request for a review of that very same issue—obviously people were worried about it—and it was turned down."

"We know that our drinking water can be vulnerable to this. You'll recall that a person died. I know that people die from smog. It costs our health system about \$1 billion a year. Not a whole lot of people, we'll all agree, have died from this, but it's scary to think that we know it's out there and that the minister refused to do a review. The government has said it won't do anything about it, and one of the things it did was cancel the Clean Up Rural Beaches program. That was a program that helped farmers in rural communities protect water supplies from the agricultural runoff that I mentioned earlier that is the suspected cause of cryptosporidium." I said at that time, "I believe that program should be brought back."

"The other thing that's happened, as I mentioned earlier, is that the minister has cancelled all new funding for MAP. They're not even taking any new applications. That means funding is being cancelled for water and sewage projects. We know that municipalities in many cases, especially the smaller ones, are not going to be able to undertake the necessary changes to the water systems. They don't have the funds because, if you'll recall, this government also drastically cut, almost in half, the transfer payments. This means there's going to be a bigger risk to people's health."

"We know that we need filtration systems in about 40 most vulnerable communities. Who's going to pay for it? What's going to happen in the meantime? I really urge the government to bring back this funding, because we're talking about one of the most fundamental things we rely on in life, that is, clean drinking water."

I remind you that I made this speech in the House June 24, 1996. I'm going to read you a quote from the *Globe and Mail*, April 23, 1997. This is an interview by James Rusk, who is now at city hall. We all remember when James Rusk from the *Globe and Mail* was here. He

interviewed Eva Ligeti after a very damning report about this government's environmental record. I'm just going to read a few quotes from here: "She stressed that government cutbacks have compromised environmental protection, particularly in three areas: the testing of drinking water, acid rain and the inspection of pits and quarries."

Let me take a moment here to talk about acid rain, although that's not the topic of this discussion today. We heard over the weekend that the government has just downsized almost completely their acid rain program after a year or two ago firing one of the top acid rain scientists in the world, and now that program hardly exists.

Anyway, Mr Rusk went on, and I remind you again this is April 23, 1997: "However, she said she could not point directly to any environmental deterioration that has resulted yet from the government's actions. 'What you're looking for is dead bodies, and we're hoping to avoid that. The point of my report is to point out to the ministries that I reviewed that there are a number of safeguards that need to be implemented.... If we don't do that, then we will be seeing more of the kind of tragedy that we saw in Collingwood.'"

1600

The Environmental Commissioner of Ontario warned this government in 1997 that there could be dead bodies—she hoped not—warned this government that it could happen. I and many others warned this government—and it's in Hansard—in 1996, 1997, back even to 1995 when they started to make the cuts, that these cuts, this deregulation, this downloading was going to have an absolutely adverse effect on the environment and health in this province. It was, and still is today, responded to by the government of the day, by the Mike Harris Tory government, as partisan rhetoric. Here we are today and we have at least seven or nine people, maybe more, dead—

Interjection: Maybe 11.

Ms Churley: Maybe 11 dead as a result of the poisoning of the water in Walkerton.

When I came out publicly very early on when we heard about this horrible, tragic incident, the first thing the minister and the Premier did was to blame the NDP and then to say that we're making this a partisan issue and it isn't political. I've got to tell you, it's political. It's the political decisions that we make in this place about where our tax dollars go and how we spend them that sometimes can make the difference between life and death.

It's time that we started to have that debate again about the connection between our tax dollars and the critical public services that sometimes can mean the difference between life and death. That's where we are today. When you cut a ministry over five years by \$100 million and about a third of its staff—and direct cuts to the water services. We know that in 1996 the MOE cut staff assigned to water and drinking water to 42%, from 113 to 48; staff assigned to groundwater and hydrology to 53%, 28 to 15. That's just the tip of the iceberg. There have been cuts all across the board. Regional offices have

been shut down. The people there cannot do their jobs any more. There aren't enough of them.

The minister has taken all of the staff, I understand, and assigned them to deal with the emergency in Walkerton. I've got to ask, given that we don't have enough staff, who's minding the rest of the store? We don't have enough staff as it is to take care of problems across the province. What's going to happen if there's an emergency in another place? Who's doing the day-to-day work?

I call on the minister—and my leader asked for it today and I did on Friday—that resources be brought in, if necessary, from across the country—experts, of course. You have to have people who know what they're doing to go door to door, knock on the door, check the pipes, check the appliances, make sure that those people—and I see the minister nodding and maybe they're willing to do that now, to create that kind of emergency situation, like we did when we brought the army in to shovel snow in Toronto. Surely we can get people from all across the country, experts to come and knock on doors. Therefore it shouldn't take six to eight weeks if you have, I suppose, a SWAT team, a safe water action team, or something like that. SWAT—I like that. But get a SWAT team in there and get them up and running and trained really quickly to go door to door so people can get back to some kind of normal life again.

When the Taking Stock report from the Commission for Environmental Co-operation came out the other day I was shocked to find out—not shocked that Ontario was the third worst, after Texas, generator of pollution in North America. What I was shocked by was the minister's response. He complained about the methodology.

Even if he's got a problem with the methodology—although I have a document where his own ministry staff say there is no problem with the methodology; but let's just give him the licence to say, "Oh, well, we don't agree with all the methodology. They should do this, this and that"—wouldn't you think that the Minister of the Environment, particularly after what's happened in Walkerton, would say: "But it's not good enough. We're concerned. We don't like the fact that we're number three. We want to do something about it. There is some merit in this report; there are some good suggestions in this report. We want to improve and do better in Ontario and we're going to fight hard. I, the minister, am going to fight hard at the cabinet table to get those resources put back into the Ministry of the Environment." It's totally unacceptable.

I'm going to read you another quote from Hansard. This is from April 3, 1996. It's a question; I'm not sure who it's to.

"Those of us who live in the province of Ontario are blessed in that we have long been able to take clean drinking water for granted. It's practically a birthright. There are so many parts of this world in which that is sadly not the case.

"I want to suggest it's time to put an end to that complacency here in Ontario. The recent problems with the

contamination of the water supply in Collingwood have concerned us all, though none more so than the local residents. It appears that Collingwood has enough money to be able to solve the problem, but what assurance do the other 43 communities at risk have that they can deal with this problem if it hits them? I think if there is a lesson in Collingwood, it's to remind us what a precious and valuable resource clean, pure, drinking water is.

"This government likes to pretend that Ontarians aren't concerned about the environment these days, but it continues to cut and slash. This government has even eliminated funding for new water filtration systems and the CURB program, which was designed to prevent agricultural runoff, believed to be the cause of the problem in Collingwood. Absolutely incredible.

"It's time that this environment minister, apparently so intent on destroying the environmental gains of the last 30 years, started to realize that when she allows the environment"—and this was a different Minister of the Environment—"to be compromised, she allows our health to be compromised."

This is a connection that I and my party have been trying to make all along, that we're not just tree-huggers out there, although I believe very much in protecting our natural heritage and animals, but it's far more than that. It's about our health. We've seen directly what can happen if we don't have somebody minding the store and if we don't have the checks and balances in place, so that when something does break down, those checks and balances click into action, which is partly what seems to have happened in Walkerton. A number of right things happened. I find it really interesting that the scientist who let the ministry and the medical officer of health know what had happened was in fact an employee who worked for the Minister of the Environment for 26 years as a scientist. He tested water. Then when the government completely privatized the labs that test drinking water in this province, he lost his job. So he set up his own company. He knew the rules because he had worked for the government. The irony is that the lab that took over, from what we understand from what they've said and what we heard, did not know, did not understand the reporting structures, and only told the municipality.

We certainly have to have checks and balances, and indeed not only checks and balances. The minister has announced, and quite rightly, that they're going to put some tough regulations in place. I believe we need a lot more tougher regulations in place. Certainly when the resources aren't there—and that's what worried me very much, as in some of the quotes from these Hansards from a few years ago—to keep those checks and balances working, then you've got a problem.

1610

I know that the Minister of the Environment was very shaken throughout this whole ordeal. I sat in a press conference and watched him cope with the real human element of that. All of us have been heartbroken by this, and for all of us, including the minister, this is a very, very difficult thing, but not nearly as difficult as what the

people of Walkerton have had to face. People have died and for their loved ones it's almost unbearable.

I don't know about you but when I was walking around on this beautiful weekend I couldn't help but think about those people who weren't with us in this beautiful weather on the weekend because they've died prematurely because of this. I guess it's on all our minds that when a tragedy like this happens, it has a profound effect on us and we want to do something about it. So what I want to say to the minister today is that you can bring in all the regulations in the world but if you don't have the resources—that means the money to enforce the front-line workers to be out there to monitor, to inspect, to lay charges, all of those things—it's not worth the paper it's printed on. That's been proven already.

We have evidence that since this government took power—and the Minister of the Environment knows this, it's in black and white, it's written down—prosecutions and fines have gone way, way down. What that means is either one of two things or a bit of both: that the government is turning a blind eye to those who are polluting or they don't have the resources there. They don't have the people to go out and do the monitoring, to do the enforcing, to make the charges. In my opinion, that seems to be what's happening. If you don't have the people there to make sure that's happening, then there's going to be a breakdown in the system.

Today, I asked the minister once again to do a couple of things now, and I've been calling on him for some time to do this. I'm not satisfied with his answer and I believe that the people of Ontario would not be and will not be satisfied with his answer. People want to know that their water is safe now and they want to know whether their water treatment plant is about to break down. We have some old infrastructure in this province.

I understand that the Premier said earlier today, and it seems to be more a part of this blame game, that it's the municipalities' fault. They haven't spent their money wisely. It's up to them to spend money, to allocate to fix their aging infrastructure. I was astounded by that. It's just more of the blame. You've got a situation where we know this.

A few years ago, municipal transfer payments were severely cut. The downloading happened so that these small municipalities, as well as the large ones, have huge new responsibilities. Despite the fact that the Premier continues to say that it's revenue-neutral, it isn't. The studies have been done. It isn't revenue-neutral. These municipalities are scrambling. They're having to make some terrible choices. When you get a situation where you have to find a private lab and it's going to cost you up to five times as much as it cost you when you were getting it done by the government, and you're trying to weigh that—"How many times should we test the water?"—with all of the other responsibilities, the public health responsibilities etc., that have been downloaded, we have some evidence that some wrong choices have been made on that.

The reality is, it is a government responsibility to make sure, if nothing else, that our water is safe to drink and our air is clean to breathe.

We now have a government that has downloaded most of those responsibilities on to municipalities. The larger municipalities can do a better job in fulfilling those obligations. This is the only government I believe in North America, the western world, that does not contribute to the cost of running public transportation. The city of Toronto is managing but it's really difficult. The smaller municipalities have to make these difficult choices. They don't have enough resources to do it all.

What amazes me is that for the past couple of years, under a number of different environment ministers—and the Premier said this and I've heard others say it: "Well, you know, the NDP left us a terrible deficit and we have to balance the budget. We have to give away all these tax cuts because we promised it. Those are our priorities, and it's all your fault because you let the deficit go up"—all of those excuses. "We have to keep a balanced approach. We can't really do a lot on the environment while we're doing these things."

I don't agree. I believe that, as when we were in government, despite the recession, we made some choices and we decided that protecting our environment, protecting our health, was worth borrowing money for and raising the debt. We made that decision. In retrospect, a lot of people would agree now that it was the right decision. But we did invest more money than any other government in sewer and water projects across this province by transferring \$200 million over to the new Ontario Clean Water Agency. We had the municipal assistance program, which this government cancelled. We had a number of other programs that have now gone by the wayside.

I just want to tell you about some of the tests that aren't happening now to water that used to happen regularly. Yes, it costs more money and more resources, but they are very important tests. This happened in 1996; here it is.

"In view of the intensive sampling conducted by individual operating authorities, sampling by DWSP for microbiological parameters was discontinued as of June 1996." I believe that's the test that looks at E coli.

"DWSP results show that commonly used agricultural pesticides are rarely detected in source waters in northern Ontario. As a result, the frequency of pesticide analysis in this area has been reduced ... the frequency of pesticide sampling of raw water sources in non-agricultural rivers/watersheds has been reduced."

Mercury: "As a result, once a baseline is established for mercury and cyanide at each location, sampling for these parameters is discontinued."

Then there's a whole bunch more in this document, a ministry document, that as of 1996 they're not even testing for any more.

The message here is very clear. The government can no longer use this, in my view, totally unacceptable excuse, as it did in the past: "We've got to balance the

budget and give away all these tax cuts" that, as we know, mainly benefit the rich. They don't have that excuse any more. The budget is balanced. They've given all those tax cuts—\$8 billion or more in this latest budget—and yet they cut another \$16 million out of the Ministry of the Environment. I don't understand it. I didn't understand it. I'm confused by it. Why would they do that when we're rolling in money and \$8 billion has been given away, when we know the Ministry of the Environment has been cut to the bone? It just shows they have no commitment to environmental protection in this province.

I am going to leave a little time for my colleague Gilles Bisson a little later. I know he wants to speak to this. But let me say in all sincerity, in my part of this debate, that this is an opportunity for the Harris government to take its responsibility to protect our environment seriously, to stop laying blame wherever they can, to say, "Perhaps you've got a point there, and perhaps you've had a point all along, that it's not a good idea to cut this much money out of the Ministry of the Environment."

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I know in the election—and yes, we didn't win. We only elected nine members. But we had a policy that we believed in that no other party did. We were the only ones. People didn't buy it; I admit that. But one of our policies, one of our promises, was that, if elected, we would hire back at least 500 of the front-line workers who were fired and that we would put millions and millions of dollars—I forget the amount—back into the Ministry of the Environment. We made a lot of other promises that, yes, included spending around health and education and the environment, and we said we'd take back the tax cut from individuals making over \$80,000 a year.

People didn't buy our message, and I accept that. What I don't accept, and what I didn't promise when our party did not win and we ended up being the little party, the third party in this place, is that I change my position on that. I don't believe you can make these promises as, frankly, the Liberals did in the last election. They said they were going to do a lot of the things that we did, but without taking back any of that tax money. We always asked, "Where's the money going to come from?" With all due respect to everybody in this place, when we're talking about something as vital and fundamental as the water we drink, the food we eat and the air we breathe, I think we would all agree that the majority of people across this province, when asked whether they would rather have that \$200 put in their pocket or have safe, clean water they can rely on, would say: "Keep your \$200. Put it into an investment in safe water in this province, an investment in cleaning up our air, so that we know we and our children and our grandchildren are going to be safe when they"—I need a drink of water, actually—"pick up that glass of water."

So I urge the government: The most important thing they can do besides having the public inquiry—and we're looking forward to very broad terms of reference and an interim report to deal with the immediate situation in

Walkerton. We're looking forward to a massive reinvestment in the Ministry of the Environment in terms of resources and money, and I'm very much hoping that tomorrow the Minister of the Environment will stand up and make that announcement.

Hon Dan Newman (Minister of the Environment): I'm saddened, as I know all members of the Legislative Assembly are, by the tragedy that has unfolded in Walkerton. It has been a traumatic time for local residents and their families, and it has touched the hearts and raised the concerns of Ontarians of all walks of life and from all corners of our province.

I'm sure the first and foremost thoughts of all of us here are with those who lost friends and family. For those who are still sick, I pray for their speedy recovery. I offer my sincerest thanks to the people of Ontario: the medical practitioners and nurses who are taking care of the sick, the municipalities and industries that have offered assistance and donations of drinking water, and the members of the public who have rallied to provide support to help the residents of Walkerton through this tragedy.

The government is indeed very concerned about the residents of Walkerton. The Premier; the Honourable Elizabeth Witmer, Minister of Health and Long-Term Care; and I have personally met with the residents of this community to deal directly with the events of the past few weeks in order to offer what information we can to help understand what happened in Walkerton.

My ministry and the government as a whole have reacted without delay to deal with the emergency and to respond to the longer-term issues that are emerging. Bill Murdoch, the MPP for Bruce-Grey, on behalf of the government announced immediate funding of \$100,000 to help ease the financial burden of those Walkerton residents who have unusual expenses such as finding accommodations out of town for their families, or to permit relatives to visit people who are sick. As the Premier himself has indicated, more assistance will be available if required to meet the needs of the people of Walkerton. Today, two new offices are operating, one local and one provincial. These offices are there to allocate funding, to answer questions and to assist the people of the Walkerton area.

In terms of dealing with the environmental problem, I took prompt action to ensure that the municipality has access to a safe long-term supply of drinking water. On May 24, ministry staff met with the local public utilities commission, their consultant and the town council to review the operating procedures, to develop and action plan to confirm the source of the problem, and to return the town's water supply to its previous safe state. In fact, on May 25 my ministry issued an order requiring that the action plan be implemented immediately.

As many as 11 deaths are being investigated, although some of the deaths may not have been caused by the E coli bacteria. Hundreds have been made sick, and we are committed to finding out exactly what led to this tragedy as quickly as possible. There are currently four investigations underway. On May 31, this government

announced a public inquiry to review the circumstances leading to this situation; an investigation is being undertaken by the Ontario Provincial Police; the coroner has called an inquest into the deaths of nine people believed to be linked to the E coli outbreak; and my ministry's investigations and enforcement branch is conducting an investigation into the events that led to the contamination of the municipal water system.

I hope to get answers soon. The people of Walkerton deserve answers and the people of Ontario deserve answers. This government is determined to get to the bottom of this.

In the meantime, I am taking steps to ensure that the procedures that are in place are met and that protection of our water supply is strengthened. On Monday, May 29, I instructed my ministry to prepare regulations to strengthen the protection of Ontario's drinking water supply. Ministry of Environment staff are developing a regulation, notice of which has been posted on the environmental registry. In preparing this draft, we phoned a wide range of stakeholders, as well as municipalities. These would include groups such as Pollution Probe, the Canadian Environmental Institute for Law and Policy, the Toronto Environmental Alliance, and the municipal waterworks association. I know this is a short notice period for members, but the deadline for public comment is 5 pm on Tuesday, and I would welcome any input that they may have on this.

To put it simply, the draft regulation includes important and mandatory elements.

First, all laboratories, including laboratories at the water treatment plant, that perform tests on drinking water must be accredited by an agency such as the Standards Council of Canada, which works in tandem with the Canadian Association for Environmental Analytical Laboratories. This accreditation will include proficiency testing where available for those parameters covered under the Ontario Drinking Water Objectives, which set out Ontario's criteria for drinking water quality. To date, municipalities have been strongly encouraged to use accredited labs. The new regulation will make it mandatory.

Second, municipalities must inform the Ministry of the Environment if they change the private laboratory facility that is testing their water. This will allow the ministry to follow up, to contact the new lab and to make sure it is fully aware of its role and obligations.

Third, current procedures in place require testing labs to notify the Ministry of the Environment and the local medical officer of health, as well as the municipality, of test results indicating unsafe drinking water. The notification requirements will be made absolutely and unequivocally clear. If any laboratory finds that a test result indicates unsafe drinking water quality, it must immediately inform the Ministry of the Environment and the medical officer of health, as well as the municipal water facility operator. The ministry will require a municipality to put a clause in the contract of every lab they use agreeing to immediately notify all three if they find a

problem, and the ministry will require every waterworks to do so itself unless they are sure notification has already taken place.

The Ministry of the Environment will review each and every certificate of approval currently in place for water facilities owned and operated by municipalities or the Ontario Clean Water Agency.

In the new regulation, all water treatment facilities must have their certificates reviewed at least once every three years. These certificates spell out the standards and levels of performance that each facility must meet and the conditions under which they operate. Ministry staff will inspect all municipal water treatment facilities in Ontario over the next six months to ensure that there is full compliance with laws intended to protect human health and the environment.

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Every municipal water treatment facility in this province must meet the conditions set out in its certificate of approval, as well as the requirements of the Ontario Drinking Water Objectives. Legally binding orders will be issued, where appropriate, for any failure to comply with these objectives. Facilities where the Ontario Drinking Water Objectives have been exceeded in the past, or where problems have been identified, are first in line for inspection.

Ministry staff are reviewing certificates of approval for all municipal water treatment facilities. The review focuses on three areas: (1) making sure disinfection is appropriate and adequate, (2) protection of the water supply from contamination, and (3) consolidation and updating of all certificates of approval in our province. With this approach, each municipal water treatment facility in Ontario will have one new certificate of approval that clearly sets out what is approved, reaffirms the requirements of the new regulation and incorporates appropriate and necessary site-specific conditions for operating the facility.

We are continuing to work with the medical officer of health from the Bruce-Grey-Owen Sound Health Unit, the Ministry of Health and Long-Term Care and the town of Walkerton to determine the source of this contamination. The town has turned over the operation of the municipal system to the Ontario Clean Water Agency. The agency is working with the municipality to get the municipal system cleaned up as quickly as possible. In addition, as a precautionary move, I have contacted municipalities across Ontario to advise them of what they should do if they have any concerns regarding E coli in their water supplies or if they receive calls from concerned citizens on private wells.

I'm sure that we can all agree in general that the municipalities in Ontario have consistently provided, and will continue to provide, their residents with some of the safest drinking water in the world. We all need to work together to help restore the public's confidence that the province's drinking water is clean and safe.

The residents of Walkerton are still under an advisory from the medical officer of health to boil water before

they drink it. Testing of the water supply is being conducted and results have confirmed that the source of contamination is a strain of E coli. Testing will continue in order to monitor the improvement in the water supply, and the municipality has elevated the chlorine dosage level in the wellhead and throughout the distribution system, and is also currently flushing the distribution system 24 hours a day. It will likely be three to four weeks before we can recommend to the medical officer of health that the system can be restored to use.

The Ontario Clean Water Agency, consultants for the town of Walkerton and the ministry are all taking daily water samples throughout the town. This will continue until we are assured that the system is free of E coli. This process is expected to cleanse the drinking water supply system and return it to its normal safe state. My ministry is continuing to monitor the situation, along with the town and the Ministry of Health and Long-Term Care.

In conclusion, I want to say again how saddened we all are by this tragic event and to assure local residents and their families that the hearts of all Ontarians are very much with them.

Mr Mike Colle (Eglinton-Lawrence): What the citizens of Walkerton have been put through is just beyond belief, and I don't think we appreciate the depths of their suffering yet. I think we owe it to them to ensure that this doesn't happen again, to them or to anybody else in this province.

If you look at this government, they were proud of the fact that they were cutting the Ministry of the Environment. They boasted that this was a ministry they could cut by 40%. Over the last five years, in this very chamber, they boasted about cutting that ministry. As you know, they cut 40% of its budget—one third of its staff fired, laid off. They were proud of that.

This government is really where the finger should be pointed. They like to point fingers at the NDP. We've heard the Premier say that. Now they're talking about the municipalities, that they should have been on guard. But this is a government that downloaded so many responsibilities on to municipalities—downloaded, back loaded, side loaded—it made it impossible for municipalities to do their job, because they never appreciated municipalities. The upheaval the municipalities are going through—the restructuring, the amalgamation, the consolidation—most municipal councillors or reeves don't know what's up because of the reckless changes of this government. They have been reckless and thoughtless. In fact, if this government were considered as a parent, they should be charged with environmental abandonment and neglect. They have been neglectful of their job.

They were supposed to protect the environmental concerns of this province. They haven't done that. They've walked away from it, and blatantly, not quietly. As I said, they were proud of what they call deregulation—downloading or privatization, whatever. Basically they walked away from their responsibilities and left it to a haphazard, checkerboard system that they were warned about. The Provincial Auditor told them, "You can't do it." The

Environmental Commissioner was fired because she told the truth.

We've seen the way this government treats the environment. We've seen that it totally neglects other areas, like smog. There are 1,000 people a year who die of smog in this city. Where is the Ministry of the Environment? What are they doing about that? As you know, in this budget there wasn't one cent put towards public transit, which could alleviate smog concerns in Toronto. Was the Minister of the Environment talking to the Minister of Finance saying, "Put some money into public transit and get rid of that smog"? I'm sure he was a silent partner at the table, if he was even at the table.

I think the Ministry of the Environment has lost the confidence of everyone in this province. They don't have the confidence of any citizen in this province. They've done a disgustingly poor job of defending that mandate, which is to protect the environment in every area.

I've been dealing with trying to protect the rain barrel, the water source of the greater Toronto area at the Oak Ridges moraine. The Ministry of the Environment is nowhere to be seen. We've got a lake just north of Toronto, Lake Wilcox, which is on life support. There are two lake lungs there, because there is no oxygen in the lake. It's on its last legs.

They don't care and they show no initiative, no government policy. The environment has been at the very bottom of everything this government has done; in fact, they've used it to get votes from their right-wing wacko supporters to say: "Look, we're neglecting the environment, vote for us. Aren't we great?" That's what their policies were. Very, very clearly, environment was not something that they thought was at all important, and we've reaped the whirlwind because of this reckless downloading of responsibility without knowing the consequences or caring about the consequences of what it's doing to people. So whether it's about water, whether it's about air quality, whether it's about even teaching environment—the concerns about environment in our curriculum—this government has put the environment on the back burner.

They need to not only talk about regulations—here's the minister talking about regulation. He's talking about bureaucratic claptrap. They should put millions of dollars back in. Put the millions back in. Hire those 900 people back. Put the inspectors back. Stop talking about it and undo the damage by putting those resources back and bringing a serious attempt to protect the environment. Right now all we have is blaming, excuses, passing the buck and looking for someone else to point the finger at.

This government has been disgraceful in its neglect of the environment. No one who believes they can do their job, so they've either got to replace the minister—bring in a whole new program and do your job to protect the legacy that the people of Ontario expect to the protected: their water, their wildlife, the natural beauty that they have throughout this province. They should be ashamed of themselves.

1640

Mr Toby Barrett (Haldimand-Norfolk-Brant): I as well would like to begin by expressing my sympathy for those families and individuals in Walkerton who have experienced loss. Walkerton was and continues to be a terrible tragedy for our entire province, and it shook many people in my riding as well and I'm sure it shook people across Ontario. As we begin to sort out what went wrong in Walkerton, two things are important: making sure that people of that community are helped in any way possible and making sure that no other community has to go through what Walkerton has experienced.

I'd also like to say how much we all appreciate what people have done, what they've donated in the form of time, money and supplies to help get through this tragedy. It's heartening to see how Ontarians can band together to lend a hand when times are tough. We think back to the ice storm in eastern Ontario, for example, and now Walkerton. The generosity and selflessness out there is encouraging. Doctors, nurses and other health professionals who have taken care of the sick throughout this ordeal have certainly gone above and beyond the call of duty, and all those who have helped out there deserve our collective gratitude. Our prayers are with those who continue to battle the effects of E coli.

Today, as Environment Minister Newman has indicated, the Brockton Response Centre opened to help distribute humanitarian aid from the province and from citizens. Last week the government created a \$100,000 fund to help families with food, rent and other expenses, and former MPP Barb Fisher is heading up the distribution of this money to Walkerton residents. The government is working in a coordinated effort with this response centre. The ministries of health, community and social services, tourism, agriculture, economic development and trade and the environment are all pitching in, and the people of Walkerton deserve nothing less.

When considering this motion today, we have to make one thing clear from the start: Municipalities in Ontario have always been responsible for providing safe, clean water to their residents. This is the case across the province. This is the case in Walkerton. As well, the responsibility for testing drinking water resides with the facility owner. They have always collected the water samples and submitted them to a lab, as required by the Ontario Drinking Water Objectives. Water facility owners were paying the Ministry of the Environment laboratories for water quality testing as early as 1993 under the NDP government. This change did not come about as part of our government's changes. It was changed by the previous government. Up until 1993, the testing services provided by the ministry were mainly for routine water quality analysis that could also be provided by accredited private laboratories. In 1996, as we've heard, the Ministry of the Environment decided to stop doing the analysis of water samples for municipalities because of the widespread availability of this service from private water-testing services. It was decided that the Ontario

government did not want to compete with the private sector on a fee-for-service basis.

We have heard opposition members point to the testing of water done by private facilities as a problem, ironically even from the NDP, who initiated this practice. However, the public-versus-private debate that they are trying to initiate is a red herring. It really does confuse the issue. What's important here is not who is doing the testing; the important thing is to get to the bottom of two questions: (1) Was the testing done properly and what did it show? (2) If there were problems, why weren't the results widely known and acted upon?

Regardless of whether the lab testing water is a ministry facility or a private lab, its obligations remain the same. When a test showing unsafe water comes up, the lab is obligated to notify the water provider, the ministry and the medical officer of health. This is set out clearly in the province's Ontario Drinking Water Objectives. After water is resampled, the Ontario Drinking Water Objectives state: "If the resampled water exceeds its maximum allowable concentration, then the medical officer of health and the ministry should be notified and monitoring at a frequency designated by the district officer shall continue, in order to define the source. Monitoring should be continued until the problem has been eliminated."

That is very clear. It tells the testing facility to report unsafe results to the local medical officer of health and to the ministry. Unfortunately, there were communication problems in the Walkerton case and a tragedy, as we all know, was the result. The system, the drinking water guidelines, if they are followed, provide checks and balances. In future, we have to make sure that the guidelines are followed to the letter, and Environment Minister Newman has announced ways this can be done.

Little more than a century ago, major cities of the industrialized world introduced sanitary sewers and introduced potable water systems. As a result, the incidence of water-borne disease began to decline. In France, for example, life expectancy showed a dramatic increase, from age 32 to age 45, between 1850 and 1900. Much of the science and many of the public health principles involved here are time-tested and proven.

We heard the Minister of the Environment speak earlier about the ministry's rapid movement to rectify the problems that have been identified. It's important for members to realize what the ministry is doing to make sure that water is safe to drink and for all Ontarians to know what the ministry is doing as well. The ministry is bringing in regulation, as has been indicated a number of times, in four key areas.

First, the requirements for reporting of unsafe water tests will be absolutely clear. These changes will require any laboratory which finds an unsafe test result to report that result immediately to the Ministry of the Environment, to the drinking water facility owner and also to the local medical officer of health. Communication breakdowns cannot occur.

Second, these changes will require all laboratories to be accredited by an agency such as the Canadian Association for Environmental Analytical Laboratories, including the certification of those labs.

Third, municipalities will have to inform the ministry if they change labs.

Fourth, the ministry will review all approvals currently in place for water facilities and will put in place a regular review of these water facilities.

These are important changes. Even though there are three investigations underway into what went wrong in Walkerton, plus a public inquiry soon to be opened up, Minister Newman moved quickly to come up with solutions to some of the problems identified when the severity of the Walkerton situation became known. The system needs a comprehensive approach, a belt-and-suspenders approach, to make sure that nothing falls through the cracks. People's well-being is much too important.

As well, in recent days much has been said about the farming community and the effects of intensive agriculture on water if it's not managed correctly. As most members know, I was part of a consultation process on intensive farming this past winter where Dr Galt, parliamentary assistant to the Minister of the Environment, and I, as parliamentary assistant to the Minister of the Environment, have received 130 presentations and about 200 written submissions. The public sessions were attended by over 700 people, people who came together this winter in community halls and towns like Burford, Glencoe, Clinton, Orangeville, Chesterville, Hastings and Guelph.

Why did the government undertake this consultation? Quite simply, there was concern over the impacts on water quality and quality of life coming from some of these large livestock operations. The objective was to gather enough information to be able to develop a plan that will ensure the viability of Ontario's agricultural sector while protecting our environment and our quality of life.

1650

Many of us realize farming has changed over the past decade. For example, growing up, I lived on a truly mixed farm of 600 acres. We had many different kinds of animals. We had broilers, laying hens, shorthorn cattle, both beef and a dairy herd, as well as a variety of crops: corn, soybeans, winter wheat, alfalfa. That type of farm is what most people think of when they think of the traditional family farm. These days the farm is still in the hands of a family operation in most cases, but we're seeing an increase in single commodity operations. These farms, perhaps run by a father, several sons or daughters, have grown to be able to compete and out of necessity must compete in the global marketplace.

The increasing size of farms, along with the fact that fully 25% of Ontario's population lives outside of our major urban centres, can give rise to conflict. Of that 25% of people living out there in rural Ontario, a very small percentage are farmers. The vast majority of people

living on our back roads, our concession roads, are in many cases rural, non-farm residents.

With larger operations, we have seen the integration of agricultural production, an integration of processing, marketing and financing. To some communities, it may appear that these more corporate operations make more corporate decisions, perhaps showing less environmental stewardship, and they ask whether these corporate operations share the community-based ethics we would expect from the traditional, more diversified family farmer. Communities have been concerned about not only water quality but odour and do expect government to do everything in its power to ensure that health concerns are met.

In these issues, there's a role for both provincial and municipal governments. What has happened to date in rural Ontario, and what's happening now in this new development, has been a mix of legislation, policy, local bylaws and recommended management practices. There are solutions that recognize that Ontario needs and wants a farming sector but a high priority must be placed on environmental protection.

We must keep in mind that the requirements for municipalities with regard to drinking water are not new. They are well established, well known and understood by all parties.

I would note that the requirements are very clear in directing the laboratories to immediately notify MOE, to notify the MOH and the facility that's operating the water system. In 1995, a letter was sent to all owners of water facilities in Ontario and the ministry made it clear that the owner of a facility must notify the MOE district office immediately if there is any indication of unsafe drinking water.

In 1997, the ministry issued a document that clearly stated laboratories must report unsafe water to the proper organizations and people. We know that if these procedures had been followed, the tragedy would have been averted.

A system is in place to ensure Ontarians have safe drinking water, and the system works when everyone holds up their side of the bargain. It's a system that's based on testing, the communication of those test results and action to rectify any problems that are detected.

Obviously there was a breakdown in Walkerton. At some point, the information did not get to the proper people and, consequently, was not acted upon, and the people of Walkerton paid that terrible price.

There are currently four investigations underway into what went wrong. The government has called for a public inquiry. The terms of reference are very broad. As well, the OPP and the coroner's office are involved and the Ministry of the Environment is conducting its own investigation. In the meantime, everyone is working to try to get things back to normal in Walkerton. I know it must be hard for residents to even think about normal any time soon, but normalcy will come. Walkerton is still under a "boil water" advisory and the water supply is being tested. These results, as we know, have confirmed E coli,

and the testing will continue to monitor improvement in the water supply.

I know the residents of Walkerton will have a hard time ever trusting their water supply again. There was an article in the paper this morning about a couple, not surprisingly, who have lost faith in the water system. This fallout is natural but it's very troubling given the great supply of fresh water that we in this rich province have access to. Walkerton has shaken the confidence of many people across the province, and now all levels of government must work together to help restore that confidence in our water supply.

Unfortunately, we have to take action, and that's one of the legacies of this tragedy. To do this, we will work within the system that was put in place by previous governments and that has been up to the task of providing safe, clean, potable water to Ontarians. The system is clear in laying out responsibilities and it gives good guidance to those who use it. It is well known and consistent across the province, and it can work if used properly. After Walkerton, however, it has become clear that we have to work harder to ensure that the system does work properly. It can't fail. There's too much at stake. One person unnecessarily sick is too many, and we do have both the ability and the system required to provide safe water for everyone in Ontario.

Ms Caroline Di Cocco (Sarnia-Lambton): For me, this issue of the environment is tremendously important because it speaks directly to the responsibility that government has in protecting the environment for the greater good. I'm going to speak to it in regard to another issue that is going to end up becoming a time bomb, and I can't seem to get the Minister of the Environment to deal with it. It has to do with the expansion of a hazardous landfill site that took place in Moore township in my riding, one that sits on top of an aquifer that of course is connected to the Great Lakes.

In 1997—and here we go again, changing rules without anticipating or thinking about consequences—this hazardous landfill dump was expanded to become the largest in Canada. What makes this a crucial issue is the fact that at the very beginning of the review of the expansion, the ministry considered the application which included the omission of what they called the acceptance step, and this enabled the minister to approve the undertaking without first accepting an environmental assessment. In other words, they fast-tracked, and again we had problems on this dump last year. It was supposed to be an impregnable liner, but there was a flaw. It leaked. Now we can't even get a permanent, full-time inspector on the site, and it's the largest hazardous landfill in Canada. The minister will not provide an inspector who will deal with at least overseeing what's happening. There are repairs being made, because there are some very critical areas that have to be repaired, and we can't get a geotechnical engineer from the ministry to oversee what's happening on this dump.

Again, right in the review it says that the predicted environmental effects are that the proposed landfill con-

tinuation—this was in 1997—could potentially result in two distinct impacts: changes to the quantity of groundwater available for off-site water use, and changes to the quality of groundwater off-site as a result of the movement of chemicals from the waste. So here we've got this potential time bomb, and again the minister doesn't see this as an important enough issue to bring in a full-time inspector.

Water and air are not a renewable resource, if we're going to minimize the value of what government must do for the environment. We're on an aquifer. This site, by the way, is self-monitored. Basically, they can bring in all the waste they want and they can decide what the criteria are, because we don't have someone from the ministry looking after the store, overseeing what is happening. On this whole issue of the environment, this government has a horrible track record, and unfortunately the price has been way too high for their cutbacks.

1700

Mr Gilles Bisson (Timmins-James Bay): I appreciate having some time to put my comments on a very important debate in regard to what has happened at Walkerton.

Let me first of all say this: I believe what has happened at Walkerton is an example of the failure of this government and the failure of government generally. Let me explain what I'm getting at. We understand that we have a system of government that by way of collecting taxes provides services to the people of Ontario and the rest of this country to be able to make sure certain things are done. One of the most fundamental things that we citizens take for granted is that our provincial government would be responsible for making sure the water that comes out of our taps is safe and potable and we don't have to worry about getting sick after we drink the water.

I said when I opened up that this is a demonstration of the failure of government. I think what it demonstrates is that when government tries to pretend, as this government has tried to pretend, that they are the anti-government government and that they are going to get government downsized and reduced and more efficient and all those buzzwords they used, in the end there's a cost to doing that. One of the costs that we're seeing, unfortunately, is many lives in the community of Walkerton that have been lost because this government chose not to do its job and take its responsibility when it comes to making sure that basic services are provided for the people of Ontario.

I say categorically that these people would not have died if Mike Harris had not been elected to government back in 1995, pure and simple. Why? Because the government chose, after 1995, that it was going to be the anti-government government, and in doing so they were going to do a number of things that all led up to this tragedy. The first thing they did was that through the mantra of the Common Sense Revolution and eventually by way of actions through Bill 26 and a number of other bills that came to this House, this government, in the need to "streamline" environmental regulation and legis-

lation, gutted most of the progressive legislation and regulations that existed on the books to protect citizens when it came to environmental disasters.

Ms Churley: They called it red tape.

Mr Bisson: They called it red tape. I remember, as Marilyn Churley says, that the government said, "We know this environmental legislation gets in the way of business. We know it's a hindrance to the private sector. We're going to get rid of all that and create a Red Tape Commission," along with some legislative measures they took under Bill 26 and others, "to just get rid of all this red tape that stands in the way of people making profit." We at the time, as the opposition, said, "That's wrong." Quite frankly, those laws were put there for a reason. They were put there because we learned over the years that if we didn't have proper legislation and regulations, people would do some pretty odd stuff when it comes to what corporations and even municipalities and provincial governments would do. I say, as I said earlier, that if the government had not been elected in 1995, I truly believe these people would still be alive.

Let me just give one more reason why I think that is the case. The government, as you know, after 1995 decided it was going to basically get out of the water testing business. Up until 1995, the province of Ontario provided to municipalities who so chose the ability to have their water tested by provincial labs or, in the case of some municipalities, they went to private labs. But the bottom line was that up until 1995, and certainly under the watch of the NDP government under Bob Rae, municipalities who went to provincial labs knew that their water was being tested by an accredited lab and that there were inspections to make sure that the testing facilities were adequately staffed and proper tests were carried out, so they were assured at the end, when the tests came back, that what was said in the test was actually certified.

For municipalities that decided to go to private labs, because we allowed that to happen under our government—when the members get up and say we started privatization, that was not at all the case. Some municipalities decided that they wanted to go to private labs. We said, "If you want to pay for it and you want to go off to private labs, that's your business, but we will make sure that the provincial government, the Ministry of the Environment, is there to, first of all, accredit your lab and, number two, to do the inspections in the private lab to make sure the tests that are being done are the same as the tests being done within the provincial system."

What did the Mike Harris government do, after being elected in 1995? Specifically, in 1996, they stopped testing the water. They stopped the labs that were testing the water, I should say, and they stopped accrediting those labs. In fact, when they downloaded to the municipalities all of these services that they were doing in the Who Does What process of downloading, they gave municipalities eight weeks to organize themselves on where they were going to get their water tested when they basically shut down the provincial water labs. There were four labs that were run by the province of Ontario, and when

Harris shut them down in 1996, he gave municipalities but eight weeks to get organized and to find somebody else to get their water tested by. Once the municipalities went to the private labs, because they had no choice at this point, unfortunately these labs were not accredited and, as we find out now, were not being properly tested. I should say, to correct the record, that some were accredited; unfortunately, others were not.

I say that the government is responsible. I know that they're sincere when they say they're sorry that it happened. I'm sure they didn't want it to happen. I'm sure that the Premier and the Minister of the Environment and members of the Conservative government feel badly about what happened to the people of Walkerton. I believe that and I don't discount that. But you have a responsibility. You decided to be the "ungovernment government." You decided, as Conservatives—I should say the Tom Long Conservatives of the day, the Reform Party or CRAP or whatever else you're called—that basically you wanted to get government out of the face of people.

You said: "Environmental legislation doesn't matter. Environmental regulation gets in the way of business. Let's get rid of that. No longer do we need good environmental standards in the province of Ontario, because we, the Conservative alliance of Ontario"—CRAP party or whatever you call yourself, the Tom Long gang—in the end, that was not desirable. It stood in the way of business. We're finding, unfortunately, some five or six years later, that there's a cost to your policy. The policy is that if you leave people and companies to their own devices, unfortunately, at the end, sometimes people will get hurt and, as we found in this case in Walkerton, people die.

The second thing that you did is you said: "It's more important to give people a tax cut, because we know that's the way to go. We're the Conservative Party of Tom Long and Mike Harris, and we want to make sure that in the end we give people a tax cut because that's going to make Ontario better."

Yes, people got their tax cut. You and I did. I know members of this Assembly, as I did, got a tax cut. People went away thinking maybe that was a good idea. By and large, if you look at the polls, the Tories were very popular for giving a tax cut. But we were the only party—the NDP—who had the courage, even knowing that it was not politically expedient to take the position that we did, to say that in the end there's going to be a cost to this tax cut. Yes, you're going to get \$20 or \$30 extra a week, if you're lucky. If you makes lots of money like we do here in the Legislature, over \$80,000 a year, you're going to get a bigger tax cut.

But in the end, is it worth it? I say no. As a New Democrat, I say the tax cut was wrong. We shouldn't be giving out tax cuts, first of all, in a time when we had a deficit. We should have made sure that the money was there to do things like water testing, to make sure that the private labs were properly accredited, to make sure that audits were done, to make sure that things ran the way

that they should, so that when people walked up to their tap in their kitchen or their bathroom and tried to pour themselves a glass of water, they didn't have to worry about being poisoned.

Now, unfortunately, I ask you this question: How many people in this province feel totally secure that the water they drain out of their tap that they're going to drink is safe? That's a sad thing. In the province of Ontario, the largest province economically and by way of population, the economic heartland of Canada, we have a situation now, after five or six years of the Conservative Alliance here in Ontario, called the Conservatives—that's what they like to call themselves—where we're not sure when we open our tap that the water we drink ain't gonna make us sick. I say that's a very bad condemnation of this government. One of the most basic things that you would think is important is that the government would make sure there are basic infrastructures in place for our communities to operate, and one of the most fundamental things you have to have is water itself.

1710

I say to the government, you will rue the day that you've done this, because I believe this is sort of the beginning of the end for you. There is going to be at one day or another an election. I believe that your time is coming, and when you're defeated people will look back at this day and look at what happened in Walkerton as the beginning of the end of the Conservative Party of Ontario when it came to their holding government, because this issue demonstrates the failure of this government when it comes to its responsibility to the people of Ontario.

I don't believe for one second that when people—Mike Harris, Tom Long and others—made this decision to do the things they did, they wanted to hurt anybody. I don't believe that for a second. But their blind ideology that getting rid of environmental regulation and legislation was a way to stimulate economic development we said then and we say now was a bad idea, and the tax cut was a bad idea because in the end what we end up with is government that doesn't work. If people are not able to walk up to the tap and pour a glass of water and drink from it with confidence, I think that basically reflects badly on the government of Ontario.

I say to the members across the way, you can try as much as you want to blame others for this—no, it wasn't the NDP. We didn't decrease spending when it came to the Ministry of the Environment; in fact, you guys did that under your own watch. No, it's not municipalities, as Mike Harris tried to make people believe last week in this Legislature when he said he felt some municipalities were not being responsible when it came to maintaining their water system. You can point the finger everywhere you want, but at the end of the day the finger points right back at your government. You're the government that basically got rid of the labs, you're the government that basically cut the funding and you're the government that basically made the decisions you did that led to the tragedy of Walkerton.

On behalf of the New Democratic Party, we said then and we say now you were wrong to do it, and unfortunately it has taken these deaths to demonstrate the failure of this government. For that I truly feel sorry, because that is something that nobody should have to pay.

Mr Galt: I certainly appreciate the opportunity to join in with this debate. I'm really quite concerned at the member for St Catharines in the style and the way he has brought this forward. I find it quite disappointing that the opposition, as well as the third party, is trying to win brownie points on a very tragic event, a tragic event that's really quite hard for all of us here to comprehend.

I sometimes draw the comparison with an air crash, and I'll probably do a little more of that later on. But here we had an infection that sort of randomly hit people in the community, who ended up with a very toxic type of infection. Certainly my empathy goes out to those who are recovering today and the suffering they've gone through, not to mention those who are grieving for their lost ones. There's no question that this government is genuinely concerned and devastated, just as the people in Walkerton are. I certainly know every member of our caucus is deeply concerned with what happened in Walkerton back in the month of May.

Also, my heart goes out to the mayor of that community. Something all of a sudden hit him, unprepared, being hit with a feeding frenzy of the media as they raced into town to get this front-page story. Tremendous, horrendous pressure on this individual. It had to be a very intimidating position for him. Certainly watching him on some of the TV clips, I thought he did extremely well in a very difficult situation.

Also, compliments are in order to the medical community, both in Walkerton as well as in London. They certainly came through at a time when it was very, very important to come through.

My belief is that the people in Walkerton want to get on with their lives. Certainly that's what I'm reading in the press. They want clean drinking water at their taps as soon as possible. They want to find out what the facts are and what indeed went wrong here and then ensure this doesn't happen again. That's an awful lot like what happens after there is an air crash. Those are certainly very tragic events. Thorough investigations are carried out on the aircraft that crashed, not every other aircraft that's of the same model that happened to be made and still flying. They investigate that particular one very thoroughly. Then there are changes in protocols or changes in procedures, changes in equipment, to try to prevent those things from happening again, particularly, if it's human error, what kinds of alarms or devices they can put into those aircraft to make sure it doesn't happen again.

As I review some of the things that happened during the tragic event, I'm very proud of our government and the action they took. On May 25, the Minister of the Environment went up to Walkerton and the Minister of Health went to the hospital in London, offering whatever they could from their ministries. On May 26, both the Minister of the Environment and the Premier went to the

community of Walkerton, again offering whatever assistance was at all possible.

Then the following Monday, on May 29, the Minister of the Environment came forth with some four new regulations that would be written and put through cabinet, ranging from that all of the labs testing this water would in the future have to be accredited, although that was always recommended under the Ontario Drinking Water Objectives. That accreditation of course would be with the Canadian Association for Environmental Analytical Laboratories. The second point he was making was that if there are any changes in which labs the PUCs use in Ontario, they would have to notify the minister of those changes. There would be a review of all the certificates of approval for all of these water treatment facilities, and this will happen every three years. And of course the information coming from those test laboratories is being expanded to include the Ministry of the Environment, the public utilities or their owner, and the medical officer of health. It will now go directly to the medical officer of health and not be left in the hands of the PUC managers.

Early last week it was announced that there would be an all-party legislative committee that would investigate this issue, this problem. That's exactly what Mr McGuinty, leader of the official opposition, requested on May 26, the Friday before. But then, lo and behold, he voted against it. I find that deplorable, that he couldn't make up his own mind. That was one more step we were taking to ensure this wouldn't happen again. A coroner's inquest was announced. There's an OPP investigation announced. The Ministry of the Environment is doing their investigation. Then later on we agreed to a full public inquiry, which is the top type of investigation that can be carried on in the province of Ontario.

At the same time, we've put in OCWA, the Ontario Clean Water Agency, to look after the operations of the water treatment plant in Walkerton. Some \$100,000, plus all the resources, were put into Walkerton to try to get them back on track as quickly as possible. Now Barb Fisher, a previous MPP, a very distinguished MPP in this Legislature, is in Walkerton to look after some of these things. The \$100,000 announced last week will be a kick-start to keep families with food, rent and other out-of-pocket expenses.

The centre is also working with our provincial office to provide one-window access to government programs and services. Representatives from the ministries of community and social services, tourism, health, agriculture, environment, and economic development and trade are all available to answer questions. Certainly this one-window approach will be of great assistance, I hope, to the people of Walkerton.

The opposition is so anxious to claim where that responsibility was and point fingers: What went wrong? How did it go wrong? But this indeed is a very, very complex issue. There are many organizations, many stakeholders with their fingers in this, from the municipality, to the PUC, to the medical officer of health, to the Ministry of the Environment, to testing labs, and on it

goes. I just find it so disappointing, the way the opposition has tried to capitalize on this. I just find them morally bankrupt. I think of Mark Twain and his comments, "Get your facts straight first, then you can distort them as you please." Well, they're distorting something they don't have yet. If they had the facts, then they could go ahead and distort them if they wanted to.

1720

What I've heard this afternoon—"If only you'd spent more money, it wouldn't have happened." "If only more money was spent" is the total answer to both the official opposition and the third party. If spending more money was going to improve this province, by 1995 this would have been utopia, perfection, with the amount of money that was spent by both the Liberals and the NDP. But unfortunately in 1995 some 10,000 to 50,000 people, net, had lost jobs in Ontario, so obviously it wasn't working.

The way the opposition has come on is a real disservice to the PUCs across this country, the waterworks across this country, which have engineers in charge and doing just an excellent job. But to hear them talking you'd think it was all a total disaster.

What Mr McGuinty was recently saying is very embarrassing. On May 29 during a CFRA radio interview, he was making fun of small-town Ontario, making fun of small PUCs. Let me read what he said. He starts with, "Um ... and what we've got now, Rick, throughout the province of Ontario, especially in our smaller communities um ... they've got people who, um ... who really don't have the expertise, um ... and who need, um, governments acting, ah, in kind of a expert advisory capacity." Now, I'm quoting.

"Somebody who goes in a few times a year and meets with ... the guy who's operating the water treatment in some of our smaller communities, Rick, is probably also cuttin' grass. And when we talk about water, you know, that's the stuff you get when you turn on the tap."

A brilliant comment on behalf of the Leader of the Opposition.

Interjections.

Mr Galt: It is a shame. Shame on him for condemning small-town Ontario and condemning somebody who has a job and might, through efficiencies, go out and cut some grass.

When the Task Force on Rural Economic Renewal that I'm chairing toured Ontario, what we were hearing in small towns was that they want to keep the youngest, the brightest in their community and not be insulted by people like the leader of the official opposition. What does that do for small-town Ontario? It's a real disservice.

I've been listening to some of the debate here today, and I get the feeling that if all the power for environment was centralized, everything would be OK. But as soon as we move to something like Bill 74 and some of the education debate, oh, no, no, they want the powers decentralized and spread out to all the school boards—don't let the Minister of Education have any power. But

when it's the environment and something is a problem, oh, we have to centralize it all.

I personally think the non-confidence that has been shown in this Legislature by the opposition parties, by so many things that are happening here, is absolutely appalling. The first thing was the all-party legislative committee that was struck and ready to go. They showed non-confidence in it. They jumped up and down saying that the government backbenchers will take over and they won't have any say in it, and on and on it went—absolutely appalling.

Then they talked about the OPP investigation—no respect for the police in this province. I think the OPP do a great job. It's unfortunate that they would downplay that.

Then they talked about the coroner's inquest. That wasn't good enough, a public type of inquiry.

Then the Ministry of the Environment, which they've said so many good things about, that we need more of it, when they do an investigation, they played that down. That wasn't going to be good enough.

Then when we agreed to a public inquiry, what was the response? Well, that's not going to be good enough because the scope isn't going to be big enough. It's not going to be this and it's not going to be that. I just didn't know when they were going to finally be satisfied.

Then I hear them talk about private labs and scientists, showing non-confidence in private labs. Does that mean that physicians in private practice aren't good enough? Does that mean the pharmacist in your local drugstore isn't good enough because it happens to be a private operation? No, I don't think so. It's just something that they can show non-confidence in and have a great song and dance about. A scientist is a scientist is a scientist. Their ethics are every bit as honourable in a private lab as they are in a public lab. But I was a little overwhelmed by their support of public labs because yes, we have a tremendous number of very competent scientists in our public labs as well.

It's interesting. I was in three different debates this past week and I requested each and every time that they name me a regulation that's been changed or name me the money that's been cut that's having an effect of Walkerton. Not once in those three debates was there a response from the opposition or anyone else I was debating with. We hear all these broad-brush comments about how terrible it's been, but get right down to the facts, get right down to the individual case, and they have no response.

I don't think there's any question. The bottom line is that had the proper protocols and procedures been followed, we would not have ended up with this very tragic situation that did occur in Walkerton. That's simply the situation.

Mr Gerry Phillips (Scarborough-Agincourt): I'd planned some different remarks until the member from Northumberland gave his remarks. To suggest that somehow or other people are playing politics with this situation, to suggest that this isn't a serious, dramatic,

major situation and for the member from Northumberland to essentially say, "Well, nobody's got any faith in what's gone on," that we're just simply playing politics—11 people died.

I hadn't planned to give the remarks in this tone, but nothing could be more important to this Legislature than dealing with that situation, and yes, we demand a public inquiry. We demand that this be at arm's length. We demand that it not go to a legislative committee set by Premier Harris with a committee Chair he's chosen to remove from his cabinet.

I will just say to the public of Ontario, the committee system around here is now a sham because of the way Premier Harris has set it up. Our legislative committee tried to deal with a major tax bill last week. The government would not even send the Minister of Finance there to defend it.

I say to the member from Northumberland that 11 people are dead and we are going to demand and insist that we find answers to this situation. I don't care what you say about it. I don't care how political you think we are. We will be as political as we need to be to find answers to this situation.

I would say to the member opposite, we are embarking now on a corporate tax cut of 40%. The corporations in this province are going to get a 40% tax cut. Fine. The people who benefit from capital gains are going to see their capital gains cut by 33%. The people who are making millions of dollars on capital gains are going to have their taxes cut by one third. Fine. People are going to get tax-free \$100,000 of income. Fine. We're going to cut personal income taxes, Mike Harris says, by another 15%. I remember before the budget, Mike Harris had one demand on the federal government, "Cut personal income tax by 20%." He never made a demand to increase health care spending. It was all about cutting personal income tax by 20%. In this budget, it says, "Harris wants corporation taxes cut at the federal level by 40%." That's what Mike Harris wants, cut corporate taxes by 40%, cut personal income taxes by 20%. What is the result? Eleven people are dead in Walkerton, and why? Because something went dreadfully wrong with the water system there.

The member from Northumberland says, "The Leader of the Opposition is playing politics." This is a political situation of the first order. My leader has rightly demanded a full public inquiry into this and Mike Harris finally, because the public demanded it, has agreed to it. I would just say to the government itself says this: "We have cut the environment budget. We have cut inspectors dramatically. We have downloaded on to municipalities 100% of the cost of our public health units. We have downloaded on to them responsibility for sewage and water treatment plants." This is what Mike Harris has done.

I would just say that we will today, tomorrow and forever demand that we have answers to what happened at Walkerton. Eleven people are dead, and I think the public of Ontario deserve an answer to that question.

1730

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise today to speak to the motion standing in the name of my seatmate, the member from St Catharines. I want to say, as someone who spent some time at home last week, that I certainly have to report that my constituents, whether they live in the city of Pembroke, where I live, or in communities like Amprior, Renfrew, Eganville or Deep River in the rural part of the Ottawa Valley, are all very concerned about the reports out of Walkerton and the tragedy at Walkerton.

I listened to some of the debate this afternoon. I simply say to my colleagues, if you don't do anything else today you might—I choose this carefully—read the article in the Saturday National Post by Paul Waldie. It's a one-page chronology of what, in the opinion of the National Post, happened at Walkerton over the last few weeks and few months. I've chosen the National Post for obvious reasons. It's not a newspaper or a news organization that would be considered hostile to the Harris government.

I'm not going to read the chronology as presented by Mr Waldie, but I want to say this: I think any citizen of Ontario who read that article on Saturday would have to conclude, or could easily conclude, that what happened in Walkerton could happen in their community. That's not to say it would, that's not to say it will, but the chronology of Walkerton as presented by Mr Waldie in the Saturday National Post is, I say to all honourable members, and most especially the member from Northumberland, who, unlike many of us, brings a certain scientific literacy to this debate—and I say that advisedly. I want to say, lest you get the wrong impression, I really thought that his speech was regrettable, really regrettable, particularly for a man of science.

Mr Galt: I consider that a compliment.

Mr Conway: I'm sure you would. But what I found on the weekend, and what I've found for the last few days, is that there is a very real crisis of confidence in our ability to satisfy the public in large and small communities, in communal and in private water systems, that in fact it is safe. I happen to believe that in most cases the water supply is safe. But again, when I look at the Post article, boy, I can see how individuals might come to a different conclusion. There is clearly, and there has been, a significant failure at the Ministry of the Environment to provide reasonable oversight insofar as a regulatory function.

I see my friends, a couple of members from Ottawa here. This is not related directly to the water issue, but there is a coroner's inquest currently going on in Ottawa about a tragedy that occurred a couple of years ago where a young man plummeted to his death when a bungee-jumping device failed. All I know is what I'm hearing reported by the Ottawa media from that coroner's inquest, but the one conclusion I think you could reasonably come to is that the regulatory function at the Ontario Ministry of Consumer and Commercial Relations with respect to those operations is woefully inadequate,

according to the testimony of the inspectors themselves. I'm sure when that inquiry is concluded, the ministry and the government and the Legislature are going to want to look very carefully at what testimony has been advanced in that inquiry.

I think the most scary thing of all in this Walkerton business is that most Ontarians—I suspect all Ontarians—go to bed at night and get up in the morning thinking that people like the Ontario Ministry of the Environment are actually out there doing a job and that, yes, there may be local responsibilities for the water system, but there is going to be a real and meaningful fail-safe backup at the provincial level. That is clearly an unreasonable belief in Ontario in 2000, because as Waldie's article makes plain, and as I suspect the judicial inquiry will make even more abundantly clear, we appear to have failed the people of Walkerton in doing our job as a provincial government, most especially at the Ministry of the Environment, in providing the kind of reasonable oversight that thousands and millions of Ontarians who consume water in this province on a daily basis had every right to expect we were providing. That, more than anything else, is the reason I want a judicial inquiry that's clear and independent, so that this issue of public confidence can be addressed in some real and meaningful way.

Mr Dominic Agostino (Hamilton East): I am pleased to join the debate. I think what is tragic about what we're talking about today and what has happened in Walkerton is that these deaths were preventable. These deaths should have been, could have been, avoided, had the government taken the proper steps in assuring that safeguards were in place when it came to protecting the environment.

Over 900 staff have been let go from the Ministry of the Environment. This government was warned. They were warned three or four years ago when they were going through public hearings on downloading 200 operations to the municipalities when it came to waterworks. Speaker after speaker at the public hearings came forward and said: "Your cuts are a tragedy waiting to happen. You've laid off staff; you've limited resources." You were warned and you did not listen at that time. You were warned after the Plastimet fire in Hamilton that tragedies could occur as a result of your environment policies.

Yes, this is political. You're damn right it's political. It is political because the political actions of this government may have caused up to 11 deaths in Walkerton. That's why it's political. It is political because this government decided that it was politically the right thing to do to cut the Ministry of the Environment by over 900 staff, over 40% of the budget. That was a political decision made by this government, and unfortunately and tragically those 11 people were victims of your revolution, of your blind drive to cut costs without looking at human expense and the price we would pay in this province. It is disgraceful that in the year 2000 in the province of Ontario, in the most industrialized nation in the world,

the most industrialized province of this nation, 11 people would die as a result of the infection of water, as a result of simply going through the act of daily needs, of either drinking a glass of water, using water to cook, or taking a bath. Eleven Ontarians have died as a result of that.

Clearly, this government cannot run away from its responsibility here. This government can't duck. This is going to haunt you. You're not going to be able to spin your way out of this, as you do on education and health care, because Ontarians now finally, unfortunately and tragically, know the truth, the consequences of your decisions and your cuts. We're seeing it here day after day, and unfortunately the people of Walkerton have lived and have seen this tragedy first-hand.

Push your government to start on the right track, implement the changes that have been recommended here, bring back the staff you've let go, and you know what? Nobody in Ontario is going to criticize you today for spending more money on the environment and protecting their health. Do the right thing today. I ask the government to support this motion. Get the ministry back on track and let's protect the health and well-being of Ontario so there is never, ever going to be another Walkerton tragedy as we have seen in the last couple of weeks.

Mr Dalton McGuinty (Leader of the Opposition): The motion today can be summarized with part of the very first sentence: "that this House recognizes this government has abandoned responsibility for protecting our environment...." That encapsulates the thrust of everything that we're talking about here and that has become so painfully apparent to the people of the province in recent weeks as a result of the tragic events that took place in the community of Walkerton.

1740

It seems to me that I can't recall at any time being confronted by any group of voters anywhere who have said to me: "I want the government to get out of the environment business lock, stock and barrel. I feel that we can assume our responsibilities here locally in my town and my city and my community for the clean air and the clean water and protecting green space and for controlling development and for looking after animal and plant life. All those kinds of responsibilities we can now heretofore assume at the local level."

My understanding of Ontario is decidedly different. There is a continuing expectation, and it is a very reasonable one, that there is somebody down there or up there or over there at Queen's Park who is at minimum acting in a supervisory role, acting to oversee things that are happening at the local level, to make sure that everything is OK. Just in case something goes wrong, there'll be somebody from the Ministry of the Environment who will make themselves available, who's on top of this, and will make sure that nothing untoward should happen. I think that's a reasonable expectation that is out there today. But this government has abandoned its responsibility when it comes to protecting our natural environment, and when I talk about the natural environment I'm

not talking about the more abstract concepts like forests and fish. I'm talking about air and I'm talking about water, those things that connect all of us.

The first thing that this government has lacked when it comes to the environment is a commitment, a commitment to offer protection, a commitment to step in and take decisive action when it comes to standing up for the environment. That is not there. We have not witnessed that at any point in time since the election of the Mike Harris government.

That kind of commitment has to be manifested in some expenditures. I said it earlier today, and I'll repeat it: I am not ashamed to call for additional expenditures inside the Ministry of the Environment so that we can offer Ontarians the kinds of protections that they are counting on. Until the Walkerton incident took place, until that tragedy unfolded, people assumed we're there for us, we're there for all of us.

The government is fond of saying that they're going to get rid of red tape, and I'm not sure of many venues where you can go and not get a lot of applause when you say you're going to cut through that red tape, you're going to make things easier for people, you're going to make things easier for business. You know what? The moral of the story here is that some red tape is good for us, some red tape is in the public interest, some red tape is helpful and protects us.

Mr Galt: Are you serious?

Mr McGuinty: We have a question here from a member of the government which is very telling, very insightful. He says to me, in response to my statements about some red tape being good and desirable—what did he say again? I've forgotten already.

Interjection: "Are you serious?"

Mr McGuinty: He says, "Are you serious?" Yes, I say to the honourable member, I am serious. I want you to carefully consider now what has just happened in Walkerton. We did not have on the books here in Ontario a law which required people to report certain things, very important pieces of information, to the Ministry of the Environment and to health authorities. You might call that red tape. I call it essential and in the public interest. We did not have a law on the books here in Ontario that required that the private labs which are testing our water be accredited and certified. They might call that red tape. I call that essential and desirable. I call it in the public interest. I call it something that protects people.

I call it something that the people of Ontario happen to be counting on, and they have been shocked with the Walkerton incident. They have been shocked by that revelation that this government—and it's now staring us all in the face in the most painful way possible. We've had seven people who have lost their lives. It may be as high as 11 when all is said and done. We've now come to understand in the most painful and compelling and tragic way possible what happens when a government abdicates its rightful responsibility to have in place those kinds of measures that protect Ontarians.

It is my hope that this government will now understand and see the error of its ways and will begin to invest in the Ministry of the Environment and try to restore it to some original sense of the vigour that it had here in Ontario.

The Acting Speaker (Mr Michael A. Brown): Mr Bradley has moved opposition day number 5. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members; it will be a 10-minute bell.

The division bells rang from 1746 to 1756.

The Acting Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic
Bartolucci, Rick
Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Churley, Marilyn
Colle, Mike
Conway, Sean G.

Crozier, Bruce
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Gravelle, Michael
Hoy, Pat
Kennedy, Gerard
Kwinter, Monte
Lalonde, Jean-Marc
Levac, David

Marchese, Rosario
Martin, Tony
McGuinty, Dalton
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Sergio, Mario

The Acting Speaker: All those opposed will please rise one at a time.

Nays

Arnott, Ted
Baird, John R.
Barrett, Toby
Beaubien, Marcel
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Flaherty, Jim
Galt, Doug
Gilchrist, Steve

Gill, Raminder
Guzzo, Garry J.
Hardeman, Ernie
Hastings, John
Hudak, Tim
Jackson, Cameron
Johns, Helen
Kells, Morley
Klees, Frank
Marland, Margaret
Maves, Bart
Mazzilli, Frank
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn
Newman, Dan

O'Toole, John
Ouellette, Jerry J.
Palladini, Al
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Stewart, R. Gary
Stockwell, Chns
Tascona, Joseph N.
Tilson, David
Tsubouchi, David H.
Tumbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 31; the nays are 48.

The Acting Speaker: I declare the motion lost.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1801.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Agostino, Dominic (L)	Hamilton East / -Est	chief opposition whip / whip en chef de l'opposition
Arnott, Ted (PC)	Waterloo-Wellington	Parliamentary assistant to the Minister of Economic Development and Trade / adjoint parlementaire au ministre du Développement économique et du Commerce
Baird, Hon / L'hon John R. (PC)	Nepean-Carleton	Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire au ministre de l'Environnement
Bartolucci, Rick (L)	Sudbury	deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	
Bountrogianni, Maric (L)	Hamilton Mountain	
Boyer, Claudette (L)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
Brown, Michael A. (L)	Algoma-Manitoulin	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	deputy opposition whip / whip adjoint de l'opposition
Carr, Hon / L'hon Gary (PC)	Oakville	Speaker / Président
Christopherson, David (ND)	Hamilton West / -Ouest	New Democratic Party House leader / chef parlementaire du Nouveau Parti démocratique
Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Churley, Marilyn (ND)	Broadview-Greenwood	chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Clark, Brad (PC)	Stoney Creek	Parliamentary assistant to the Minister of Health and Long-Term Care, assistant deputy government whip / adjoint parlementaire à la ministre de la Santé et des Soins de longue durée, whip adjoint suppléant du gouvernement
Cleary, John C. (L)	Stormont-Dundas-Charlottenburgh	
Clement, Hon / L'hon Tony (PC)	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Coburn, Brian (PC)	Carleton-Gloucester	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Colle, Mike (L)	Eglinton-Lawrence	
Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
Cordiano, Joseph (L)	York South-Weston / York-Sud-Weston	
Crozier, Bruce (L)	Essex	
Cunningham, Hon / L'hon Dianne (PC)	London North Centre / London-Centre-Nord	Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Curling, Alvin (L)	Scarborough-Rouge River	
DeFaria, Carl (PC)	Mississauga East / -Est	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Di Cocco, Caroline (L)	Sarnia-Lambton	
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	opposition House leader / chef parlementaire de l'opposition
Dunlop, Garfield (PC)	Simcoe North / -Nord	assistant deputy government whip / whip adjoint suppléant du gouvernement
Ecker, Hon / L'hon Janet (PC)	Pickering-Ajax-Uxbridge	Minister of Education / ministre de l'Éducation
Elliott, Brenda (PC)	Guelph-Wellington	Parliamentary assistant to the Minister of Citizenship, Culture and Recreation and minister responsible for seniors and women / adjointe parlementaire à la ministre des Affaires civiques, de la Culture et des Loisirs et ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
Eves, Hon / L'hon Ernie L. (PC)	Parry Sound-Muskoka	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Flaherty, Hon / L'hon Jim (PC)	Whitby-Ajax	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Galt, Doug (PC)	Northumberland	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs / adjoint parlementaire au ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Gerretsen, John (L)	Kingston and the Islands / Kingston et les îles	
Gilchrist, Steve (PC)	Scarborough East / -Est	
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	
Guzzo, Garry J. (PC)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	
Hampton, Howard (ND)	Kenora-Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Hon / L'hon Ernie (PC)	Oxford	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Harris, Hon / L'hon Michael D. (PC)	Nipissing	Premier and President of the Executive Council / premier ministre et président du Conseil exécutif
Hastings, John (PC)	Etobicoke North / -Nord	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports
Hodgson, Hon / L'hon Chris (PC)	Haliburton-Victoria-Brock	Chair of the Management Board of Cabinet / président du Conseil de gestion
Hoy, Pat (L)	Chatham-Kent Essex	
Hudak, Hon / L'hon Tim (PC)	Erie-Lincoln	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Jackson, Hon / L'hon Cameron (PC)	Burlington	Minister of Tourism / ministre du Tourisme
Johns, Hon / L'hon Helen (PC)	Huron-Bruce	Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
Johnson, Bert (PC)	Perth-Middlesex	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	
Kennedy, Gerard (L)	Parkdale-High Park	
Klees, Hon / L'hon Frank (PC)	Oak Ridges	Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint
Kormos, Peter (ND)	Niagara Centre / -Centre	
Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Lankin, Frances (ND)	Beaches-East York	
Levac, Dave (L)	Brant	
Marchese, Rosario (ND)	Trinity-Spadina	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Marland, Hon / L'hon Margaret (PC)	Mississauga South / -Sud	Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Martiniuk, Gerry (PC)	Cambridge	Parliamentary assistant to the Attorney General and minister responsible for native affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Community and Social Services / adjoint parlementaire au ministre des Services sociaux et communautaires
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Solicitor General / adjoint parlementaire au solliciteur général
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
McLeod, Lyn (L)	Thunder Bay-Atikokan	
Molinari, Tina R. (PC)	Thornhill	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjointe parlementaire à la ministre de la Formation et des Collèges et Universités
Munro, Julia (PC)	York North / -Nord	assistant deputy government whip / whip adjointe suppléante du gouvernement
Murdoch, Bill (PC)	Bruce-Grey	
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	
Newman, Hon / L'hon Dan (PC)	Scarborough Southwest / -Sud-Ouest	Minister of the Environment / ministre de l'Environnement
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Consumer and Commercial Relations / adjoint parlementaire au ministre de la Consommation et du Commerce
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
Palladini, Hon / L'hon Al (PC)	Vaughan-King-Aurora	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
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Patten, Richard (L)	Ottawa Centre / -Centre	
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No. 66B

N° 66B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 5 June 2000

Lundi 5 juin 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 5 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 5 juin 2000

The House met at 1845.

ORDERS OF THE DAY

BRIAN'S LAW (MENTAL HEALTH LEGISLATIVE REFORM), 2000 LOI BRIAN DE 2000 SUR LA RÉFORME LÉGISLATIVE CONCERNANT LA SANTÉ MENTALE

Mr Clark, on behalf of Mrs Witmer, moved second reading of the following bill:

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: Could we have unanimous consent on all sides of the House that half of our leadoff time will be deferred and the entire leadoff debate by the NDP will be deferred this evening.

The Acting Speaker (Mr Tony Martin): Agreed? Agreed.

Mr Brad Clark (Stoney Creek): In April of this year, the Minister of Health and Long-Term Care introduced Bill 68, also known as Brian's Law, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act. Brian's Law has been heralded as a major step that provides the legislative framework for a continuum of care from institutional to community-based living.

I should note, before I continue, that I'm sharing my time with the members for Northumberland and Peterborough.

It's important, when we begin the debate on this legislation, and I want to make this point very clearly up front, that a member of the Liberal Party, Richard Patten, raised this issue of community treatment orders and amending the Mental Health Act a number of times—three times, to be exact: Bill 29 in 1997, Bill 78 in 1998 and Bill 111 in 1999.

It's important to begin with the intention behind the introduction of Brian's Law. In June 1998, the Mental Health Act and related legislation was placed under the government's review in response to the recommendations of MPP Dan Newman's report entitled 2000 and Beyond:

Strengthening Ontario's Mental Health System. Included in Mr Newman's report were suggestions involving all components of the mental health system, including legislation and operating in an integrated and coordinated fashion in order to provide the best possible services to Ontarians who need them.

Mr Newman stated in his report, "Mental health reform should focus on an integrated approach to the delivery of services, while coordination within and between the two systems would provide a seamless mental health system."

A discussion paper entitled *The Next Steps* was drafted, and I held public consultations across the province to seek input. I met with over 300 people. We received over 100 written presentations.

I have to tell you that the consultations were very enlightening for me. We had numerous people who had very disparate viewpoints, from one end of the spectrum to the other. But at the end of the day, everyone was united in the fact that there needed to be change in the mental health system, that it needed to be improved and that there was much to be done that could improve the mental health system.

From this consultation, we made some minor adjustments to our discussion paper and we introduced Bill 68. Brian's Law reflects our government's strong commitment to balancing individual rights with public safety. We're endeavouring to do that by providing appropriate care and treatment to those who pose a danger to themselves or to others.

It's important for us to note that this bill has received significant public consultation prior to second reading debate. In a very unusual move, the House leaders chose to send Bill 68 to the standing committee on general government directly after first reading. This process enabled us an opportunity to review the legislation that had been proposed in a virtually non-partisan fashion. Further to that, we directed ministry legal staff to work with opposition parties on proposed amendments, and we hope to finalize the amendments prior to second reading clause-by-clause debate.

As a matter of fact, today, just before this evening's session, we handed the amendments back to the opposition parties. So we have worked the process right through, and we'll continue working on those amendments with them.

Considering all of that, I think it is fair to say that I would now urge swift approval of second reading of this proposed law, which sets a precedent in ensuring public

safety while ensuring access to mental health care and treatment.

I am proud to say that this government has a solid foundation of mental health reform initiatives in place, each aimed at ensuring a people-centred approach to the care of those with mental illness. Brian's Law incorporates our proposed changes to Ontario's mental health legislation and is a crucial component of a reformed mental health system. At the heart of those proposed amendments is this government's response to the voices of numerous coroners' juries, the pleas of families of the mentally ill, families of victims, and the comments of the police and mental health care professionals.

As the House is aware, Brian's Law is named after Brian Smith, the Ottawa sportscaster who was murdered in 1995 by a person suffering from paranoid schizophrenia. I would like to read into the record a couple of segments of an editorial that appeared in the *Ottawa Citizen*. I think it puts it into perspective for all those who are watching from home and for the House.

"Imagine the chill the morning after CJOH-TV sportscaster Brian Smith was shot by a deranged Jeffrey Arenburg in 1995. While thousands woke up in shock, there were at least a dozen others who were not surprised at all. They knew Arenburg had been dangerous for years....

"July 1990: Arenburg goes to a local courthouse in Nova Scotia demanding to be seen by a judge. He is taken to the South Shore Regional Hospital and complains that he is hearing his thoughts broadcast by television and radio. He is diagnosed with paranoid psychosis and released.

"May 1991: Arenburg is brought to the Royal Ottawa Hospital as a result of threats made against CHEZ 106 radio station. He is delusional, complaining of hearing voices. There's an indication that he feels determined to hurt somebody so that he might get in front of a judge. He is committed to the hospital, but appeals to a psychiatric review board. The board does not agree with Arenburg's psychiatrists that Arenburg is mentally ill and at risk of causing harm to others. The board does, however, find him incompetent to consent to treatment. Arenburg discharges himself from hospital against his doctor's advice. An ironic note is made in his clinical record: 'It is hoped that the review board revoking of his certificate will not endanger the community on account of his delusions.'

"October 1991: Arenburg breaks windows at the Nova Scotia courthouse. He is certified and transferred to hospital. He is diagnosed with paranoid schizophrenia. He is delusional and is noted to have considerable anger, with little insight into his problems. He is discharged less than a month later, against medical advice."

In 1994, again he is before the judges. This is the *Ottawa Citizen*:

"It's my belief that each one of the above instances represents a time when a combination of easier committal procedures and the availability of community treatment orders would have stopped Arenburg's tailspin. Brian

would be alive and Arenburg would be living in peace in the community.

"In fact, Arenburg successfully refused treatment until two years after shooting Brian. It took a judge to order him treated. And when he was, it took just a few days for him to understand what he had done."

That in itself makes it pretty clear why the jury from the coroner's inquest recommended comprehensive review of the mental health legislation and the introduction of community treatment orders in Ontario.

Brian's Law amends the Mental Health Act and the Health Care Consent Act in order to help build a more comprehensive and integrated mental health system. It does this, for example, by expanding the current committal criteria in the Mental Health Act so as to allow the chronically mentally ill, their families and designated health professionals to intervene at an earlier stage in the committal process.

During the hearings, the Ontario Psychiatric Association stated, "The present Mental Health Act is unresponsive to human suffering until it gets to the point where the person or someone else is at risk for seriously bodily harm. For this reason, the OPA supports Brian's Law as it is a step forward in that it will allow people who have a known psychiatric history to receive care and treatment before the person's situation has deteriorated to the point of dangerousness."

We've also included in Brian's Law the introduction of community treatment orders. These orders are set in place for the seriously mentally ill in order to permit appropriate treatment in the community as a less restrictive alternative to hospitalization, as proposed by psychiatrists or a physician.

It's important to note that what we're trying to establish is a continuum of care for the mentally ill from the psychiatric facilities and institutions directly into the community. The CTO refers to subjects who have suffered from serious mental disorders and who have a history of repeated hospitalizations. It also refers to involuntary psychiatric patients who agree to treatment as a condition of their release from the institution into the community.

I have advocated during the consultations that this is basically a step-down, that it allows the psychiatrists the opportunity to place a patient who has been stabilized as a result of medication back into the community with a community treatment order and with a team of experts who will work with that patient, allowing for obligations and responsibilities for all parties involved in the community treatment order. A community treatment order may be issued by a physician with specific consideration of the individual, with the intention of delivering psychiatric treatment that is less restrictive than in a hospital or psychiatric facility.

We had many people appear before our hearings and even after first reading. In one particular case we had one parent who said the following about their child who was suffering from paranoid schizophrenia: "Because of the roadblocks built into the current Mental Health Act, these

members of our society are left to suffer, to die, to serve time for criminal activity that they are not even able to fully appreciate they have committed, to become homeless, and be reduced to 'side' shows for people who walk by them on the streets. I cannot find a cure for mental illness, but I can tell you that I am here to support any initiatives that will see these people receive treatment in a timely and efficient manner. I believe CTOs are a step forward in the right direction."

We have evidence from numerous psychiatrists and experts around the world, and one particular brief that I recall talks about victimization. We hear about people who have committed suicide as a result of their serious mental illness. We hear about people who are victimized, as this mother is talking about. Very clearly, a North Carolina study shows that community treatment orders do help to eliminate the victimization that many mentally ill people suffer as a direct result of their illness.

Bill 68 also allows for the removal of the requirement for police to observe disorderly conduct before acting to take a person into custody. Section 17 of the current Mental Health Act is repealed in order to remove the requirement that a police officer must personally observe disorderly conduct before they may intervene. In its place, we are allowing police officers to use "reasonable and probable grounds" that such conduct has occurred. Many times police have arrived on the scene after the fact and the mentally ill patient appears lucid, reasonable and rational, and yet moments before they were delusional. What are the police to do in that situation? We are simply implementing and catching up to the rest of Canada. At the present time, Ontario and Newfoundland are the only two jurisdictions left in Canada that still have the requirement to observe disorderly conduct. All of the rest of the jurisdictions have gone to "reasonable and probable grounds."

Again, the Schizophrenia Society of Ontario states: "The existing law limits hospitalization to those who are dangerous to themselves or to others. The new law permits intervention when a person is experiencing substantial mental or physical deterioration. That is, the old law fosters the stereotype that mental illness is linked to dangerousness. The new law counters the old stereotype by recognizing that people with serious mental illness are exposed to suffering and deterioration from which they can and should be spared."

Finally, another amendment is the removal of the term "imminent." Again, this shouldn't come as a surprise to this Legislature. The terminology "imminent" will be removed so that it stops causing confusion for the health care providers, for the psychiatrists, the doctors and physicians. In the past, it has been left to them to interpret the definition of the terminology, and numerous coroners' juries and inquests have made the request that that particular terminology be removed. I quote from Dr John W. Elias in support of this amendment. He states: "It would remove the term 'imminent and' with reference to 'serious physical impairment to the person' and provides for a broader definition of harm to include the

situation where a person is 'likely to suffer substantial mental or physical deterioration or serious physical impairment.' I consider this a desirable change."

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Our government saw the need for these changes when we were elected in 1995, and we've worked hard to formulate the changes based on the advice of the very people who deal on a day-to-day basis with the consequences of those barriers, with the consequences of people who have been unable to get the care and treatment to which every human being is entitled.

It could be argued that a review of the mental health system in Ontario has been going on for more than a decade. In 1988, after a series of consultations, the province released the Graham report, Building Community Support for People. In 1993, the government of the day released a 10-year plan for mental health reform entitled Putting People First. In 1998, my predecessor released a report, 2000 and Beyond: Strengthening Ontario's Mental Health System. In March 1999, the province of Ontario released its implementation and operational plans: Delivery of Mental Health—Making it Happen. In March 2000, we released the Next Steps document, which led to the creation of Brian's Law. Interspersed in all of that were three private members' bills by Richard Patten, the member from Ottawa: Bills 29, 78 and 111.

Clearly, quick passage of Brian's Law conveys a clear message that the province of Ontario is responding to the heartfelt cries of those individuals caught in the maelstrom of the events involving the seriously mentally ill.

I was asked to conduct regional consultations with stakeholders, including family members, psychiatrists, patients rights' groups, mental health associations, counsellors and health care directors, to discuss the proposed parameters of the changes. During the stakeholder meetings in March of this year, we heard from almost 300 participants across the province. Since first reading, the committee has held seven hearings in Toronto, Hamilton and Ottawa to allow experts, professionals and survivors to present to us in detail their opinions and concerns. We have sought and received advice from mental health experts from around the world.

Perhaps the most moving endorsement of this legislation comes from Tony Antidormi and his wife Lori Triano-Antidormi, whose toddler Zachary was murdered by the family's neighbour. Complaints about the neighbour's erratic behaviour had been made on a number of occasions, but nothing could be done. She was suffering from paranoid schizophrenia, and her delusions led her to believe that Zachary was her own dead son. That in itself was a tragic story.

Right from the hearings we have the coroner, Dr Young, stating: "This neighbour had a 20-year history of chronic mental illness that had finally been diagnosed as paranoid schizophrenia, which is schizophrenia with paranoid delusions. She had been overtly threatening or violent for more than 10 years...."

"The lady in this case would be quite overtly violent and bizarre. People would call police and when the police arrived, she would be quite calm and reasonable. Even though the police had corroborated disinterested third party evidence to suggest that this lady was dangerous and was mentally ill, they could not act under the existing legislation. That inquest produced 60 recommendations, of which 15 were to the Ministry of Health. Again the jury supported mandatory treatment of mentally ill people in the community" where circumstances warranted it.

The Antidormis said this: "Any changes that can be made to better protect the public are welcomed and supported by us and, frankly, long overdue. Many of the proposed changes are not new—sadly, they have been proposed by many coroners' juries. Perhaps if action such as you are taking now had been taken earlier, our beautiful Zachary might still be with us. In his memory and honour, we support your efforts and the proposed changes you are making."

Consultations did not end here. They continued with the series of stakeholder meetings I conducted before first reading and committee hearings after first reading. As I stated earlier, this Legislature took the unusual step of holding committee meetings after first reading. We heard presentations from experts in the field of mental health and from individuals and families whose lives have been touched by the mental health system.

I would like to take this opportunity and would be remiss if I didn't take this opportunity to thank all members of the committee, including the Chair, Mr Gilchrist, and especially the members representing the Liberal Party—Mr Richard Patten, Ms Lyn McLeod and Dr Marie Bountrogianni—and the New Democratic Party's Frances Lankin. I was heartened that we could work together in incorporating the views and opinions we heard into useful amendments. I cannot emphasize strongly enough how critical this legislation is to the reform of Ontario's mental health system.

I'd like to read into the record a section of an editorial that appeared in the *Hamilton Spectator*. It says it all: "The Ontario government deserves full marks for moving ahead to strike a better balance between public safety and the rights of people with serious mental illness. There is a compelling case for laws designed to ensure that psychiatric patients and others get the treatment they need. The measures proposed by Health Minister Elizabeth Witmer will be criticized in some quarters as unnecessary, even punitive, but we think the government is taking responsible action."

In the *Kitchener-Waterloo Record*: "This legislation isn't about locking up people and it isn't based on the stereotypes that once existed about mental illness. It is based on medical evidence, compassion and balance. That should be sufficient to encourage all parties in the Legislature to support it."

People suffering from mental illness can find it affects their ability to hold down a job, to manage the daily tasks in life that we come by so easily. Many end up homeless,

with little or no support or treatment. We're proposing the necessary changes to Ontario's mental health legislation, legislation that has stood in the way of families, police and social workers for years.

I take great pride in being a member of a government that has had the courage to initiate and implement the necessary changes in our mental health system. Since 1995, our government has invested over \$150 million in community mental health programs, with \$52 million on top of that specifically for atypical drugs. Three brand new, atypical anti-psychotic drugs are now in the Ontario drug benefit program. It's a tremendous boost to the treatment of mental illness and it helps the doctors do their job, many times without the side effects that many drugs have.

Our government has been working hard to reform the province's mental health system to enable the provision of quality, accessible mental health services and treatment for Ontarians. Brian's Law is a crucial step in meeting the needs of those with mental illness and their families while ensuring public safety. From time to time you'll hear us talk about developing a balance between individual rights, the rights of the patients to treatment and the rights of society to a safe society. We have heard many people state during our consultations, "You can't do that," that individual rights are paramount, they are sacrosanct, that what we are proposing is actually unconstitutional.

I have to state that they are not quite correct. In a 1996 Supreme Court of Canada decision, Justice Cory offered a succinct and forceful statement of the balancing principle regarding rights: "It has frequently been said that rights do not exist in a vacuum, and that the rights of one individual or group are necessarily limited by the rights of another. The ability to exercise personal or group rights is necessarily limited by the rights of others."

In another Supreme Court decision, in 1991, Chief Justice Lamer made the following comment: "Parliament surely may balance individual rights against the interests of protecting society."

So when we're developing balance in this particular act, it is very clear that we are acting within our legislative authority. This bill's passage into law will serve to honour the memory of Brian Smith and Zachary Antidormi and other innocent victims and will contribute to the overall goal of ensuring mental health services for those who need them, while ensuring public safety for all Ontarians. The passage of Brian's Law will ensure that other families will not have to endure what Alana Kainz and Lori and Tony Antidormi have endured.

I'd like to read one more thing into the record if I may, from the *Globe and Mail*. Again, it was an editorial, May 1, 2000:

"If people are too sick to realize what they are doing, they are too sick to realize the implications of not being treated. You may not be able to force them to heal, but you can insist that freedom depends on following a healing course of action."

"What can't happen is that people who don't know where reality ends and dream begins are given both a right to be free and the freedom to commit acts that would otherwise incarcerate them.

"The law must be applied wisely, and the right to appeal must be intrinsic, but this is a step forward for the province and for the mentally ill among us."

1910

For Zachary and for Brian and for all of the innocent families and individuals who have experienced the terrible effects of serious mental illness, I urge swift approval of second reading of Brian's Law.

Mr Doug Galt (Northumberland): I certainly appreciate the opportunity to speak on Brian's Law. I think it's a very well-named act that we're debating and putting through. The official name, of course, is the mental health legislative reform bill.

Our good friend who just spoke talked about a balance. I think that is really what this bill is about, and I believe we're arriving there. Down the road when we look back in hindsight, it may not be quite as balanced as we would hope, but it is that balance of individuals having their rights and also those in the community, those in society having some rights of being protected. Certainly there have been examples where this has not worked out.

We've heard over and over again that with rights goes responsibility. In this instance you might say: "Whose responsibility? Is it the responsibility of the person who is mentally ill, is it the responsibility of the medical community or the judicial system or, in fact, is it the responsibility of society as a whole, such as ourselves debating this particular bill?"

Several acquaintances and friends of mine have some offspring who are schizophrenic, and I've heard some sad tales from them as they struggle to deal with this within their families, the taking of medication or not taking medication. This is the daily struggle that these families go through. Hopefully this particular bill will be of significant assistance to those people.

This bill is not only helping those who suffer from mental illness, but it ensures the safety of our communities. We've been taking a lot of steps as a government to ensure that our communities are indeed safe. As promised by this government, those people who pose a danger to themselves or to others should receive the treatment they need. The previous speaker made reference to it: If they don't understand right and wrong with their illness and what they're doing as far as injuring other people, are they going to understand the taking of the proper medication?

We understand that a lot of these medications have some difficult side effects, and I can follow why they may be uncomfortable taking some of this medication and being required to do so, but the alternative is not the answer either.

This bill shows that we are honouring our commitment, and as I say that, I reflect back to the news. I was listening to the radio as I was driving in to Toronto last evening. It was about the conference, the summit in

Windsor. Lo and behold, here's our Liberal Prime Minister Chrétien saying how wonderful free trade is, that it's going to help the poor, it's going to help the needy. I'm thinking and reflecting back to the campaign in 1993 when one of their biggest positions, one of the most important planks in their platform, was to eliminate free trade. Guess what happened? There was no elimination of free trade; they broke a promise. Now he's bragging about how good it is, but he fought against it when it was being brought in.

As a matter of fact, if you go back in history, the Liberals stood for free trade back at the turn of the century and ever since, except they'd never bring it in. It happened to be a Conservative government that brought it in, and he was going to get rid of it. But did he? No, he did not get rid of it, and now, as a matter of fact, after the promise he made, he was in Windsor on the weekend, bragging about how great free trade is for Canada and what it will do for the poor, for the hungry, for the homeless. I thought that was, indeed, a bit of a revelation.

As you know, this bill was named after Brian Smith, who was shot and killed by a man suffering from severe mental illness. For years I had watched CTV and seen Brian Smith as a sports broadcaster out of Ottawa. I had the greatest respect for him, and for me personally, it was quite a shock when I heard of his unfortunate demise, and a needless one at that. As we understand it, this individual had been hearing strange voices he believed were being generated by the media, and unfortunately, Brian Smith just happened to be the innocent victim who came out of the station that evening as this individual was there, and Brian Smith was the one who received the bullet from him.

This bill is about preventing that from happening in the future. Just one Brian Smith is one too many to have happened. We're familiar here in the city of Toronto with attempts to push people on to subway tracks, and I can't recall whether they were mentally ill or not, but obviously, to me anyway, if somebody is trying to push someone else into the pathway of a subway, there must be something quite seriously wrong with them.

We, as a government, are committed to safer communities. Recently we brought in the Safe Streets Act. I know the opposition made fun of trying to stop squeegee kids, but that was a pretty dangerous activity those kids were involved in, along with interfering with traffic. We've brought in some 1,000 more police officers, more courts etc.

I look at the budget this year and see some of the many, many initiatives. Just to name a few, for example: the community policing partnerships program being increased to \$35 million; setting up a specialized OPP team for computer crimes, and we're hearing about all kinds of those around the world recently; an OPP team to fight crimes targeted at senior citizens, and I'm sure everybody in this House has had a phone call from a senior concerned about some of the scams that go on with them; another specialized team of the OPP to look after the Ontario snow trails and waterways; also special-

ized police forces delegated to look after organized crime, and we hear of the motorcycle gangs and more of that occurring here in our province and moving in; a youth justice system pilot; a strict discipline model for community corrections; a permanent office for victims of crime; and also a further expenditure of some \$10 million to expand the domestic violence court programs, more support for programs for women and children who have experienced domestic violence.

Those are just a few of the many actions that this government has taken to ensure that there are safer communities here in Ontario. This government is not going to sit idly by and let dangerous acts take place if we can possibly help it. We don't want people having to live in fear that something like the incident that happened with Brian Smith just might happen to them or to some of their family members.

That's why our government is introducing this bill, as part of our commitment to return safety to our communities as much as we possibly can. It is important to save lives and prevent these kinds of tragedies from occurring in the future. It's absolutely scary to think that could happen to any one of us as we step out of the Legislature, for example, here this evening. We want to make sure that those people who pose a danger to themselves and to others get the kind of treatment they really need and really should have.

Our government is certainly one that listens and consults. I hear from the other side of the House quite often that we're not listening and all the other political positions that they like to take. Just for a short moment I'll bring to your attention the extensive consultation this government has carried out.

I look, for example, at committee work in the last term that we were here, the 36th Parliament, when we spent some 798 hours and 14 minutes with all-party committees. I notice that the previous government, the 35th Parliament, which went five years while ours only went four—and you would be very familiar with the party in government at that time—spent only 645 hours. That's roughly 150 hours less. Then, of course, the 34th Parliament, being a Liberal government, spent 350 hours—349 hours and 45 minutes, to be exact. That's less than half what we spent in our first term.

1920

Similarly with the hours spent debating here in the Legislature, if you look at the first session, our government spent four hours and 50 minutes on second reading; the NDP government in the 35th Parliament, an hour and 28 minutes—that's a third of what our government was spending; and the Liberals in the 34th Parliament, slightly over an hour for each of the second readings. That was their average, just an hour. I hear complaints every once in awhile about time allocation motions after we've debated for three days and the opposition gets a little concerned. But that gives you some examples of the extensive listening and consultation of this government.

I can tell you that Brian's Law is one example of a law that was drafted after receiving extensive input from the

public. There was a series of province-wide consultations that were conducted by my colleague the member for Stoney Creek that went on between March 30 and April 11. That was after the House started sitting again, and he was very stretched to cover all those activities. I understand that hundreds of people attended those hearings, those consultations. The input was gathered from families, from health providers and many others, and it certainly assisted in the designing of the legislation and has provided a valuable service. We indeed are listening to Ontarians.

The parties across the floor are constantly claiming that we're not listening, that it's just political rhetoric. But I have news for them, and I just read into the record some of the kinds of listening and the extensive consultation that's been carried out.

We're listening to Ontarians and responding to their concerns as we introduce the amendments to the Mental Health Act and to the Health Care Consent Act. We want to make sure that the people with serious mental illnesses get the care and treatment they need here in the province. Brian's Law is meant to do just that.

I believe, in reading this bill, that it provides a balanced solution. In politics, getting a balanced solution is very important and it's a very tough thing to do. It's not the easiest thing in the world to do. But this government has always done its best to make it clear that crimes will not be tolerated, whether it's in our communities or in our schools, and certainly we hear of more risks in the schools, which is one of the reasons that we're bringing in a code of conduct for our schools, to protect other students, to protect teachers and the public.

While the act of killing someone else cannot be tolerated, the serious mental illness that one suffers from can be treated and dealt with in order to prevent tragic consequences in the future. Whether it be a case where someone is threatening their own life or the lives of others, this needs to be dealt with accordingly.

Experts, health professionals, coroners and juries have all told us that better treatment and care is certainly needed, and a requirement for that is to make sure they do get the treatment and make sure they do get the care that is so important. I believe that this bill does respond to that. It will enable community treatment for people with serious mental illnesses, and it will expand the committal of psychiatric facilities.

We need to break down the barriers to community treatment and special care. As an MPP and member of this government, I've had to face the challenge of breaking down barriers and focusing on the barriers to economic growth and job creation in rural and small-town Ontario, which is slightly lagging behind the phenomenal growth and economic boom that's happening in Ontario. We want small-town Ontario to experience that same kind of growth.

The barriers we're speaking of here this evening and at this moment are the barriers that people with serious mental illnesses have faced and are facing every day. This bill is intended to remove these barriers and will

then help to prevent serious tragedies like the one that took place in Ottawa.

My friend who spoke just a little earlier, the parliamentary assistant, referred to "reasonable and probable grounds." That—to me, anyway—makes so much sense as to that being a point in time when the officials can move and make some decisions. Also, the removal of the word "imminent"—I think it's interesting when you look at legislation and see what a change in one word or even how it's spelled, how it's put in there and which tense, can change so much what's going to happen to an individual.

In conclusion, as I look at this whole bill and this whole act, those who suffer from a serious mental illness will now, as a result of this bill, once it's through this Legislature—provided it is passed—receive the most appropriate treatment possible that medical science is aware of today.

The man who killed Brian Smith was released into the community without sufficient treatment orders. I think that is the bottom line of where the problem was on that occasion. This bill changes that and takes important guidance from individuals and groups who know this issue well.

Bill 68, Brian's Law, is indeed one that will arrive at the kind of balance that I think the people of Ontario want, the balance of the rights of the individual with that mental illness along with the rights of society and the community where other people live. I very enthusiastically will be able to support Bill 68, Brian's Law.

I'll now turn the time over to my good friend and colleague from the great riding of Peterborough.

Mr R. Gary Stewart (Peterborough): Thank you to my colleague from the great riding of Northumberland.

I'm very pleased to speak to Bill 68, Brian's Law, all about mental health reform. How unfortunate that there has to be a tragedy, there has to be a death, before something happens, before mental health reform is initiated.

The late Brian Smith should not have died—killed at the hand of a person suffering from severe mental illness. Could this death have been prevented? Yes, if, over the last 15 or 20 years all governments had supported those in society who did have serious mental illness and those in society who were calling for reform. That reform has been called for for many, many years by those who were advocating change.

We all know those unfortunate people. They've been in our communities for years, with little support from not only the general population of our communities but governments of the past.

Our government is reacting to the situation. We're reacting to the recommendations of the inquest that has been held over the untimely death of Mr Smith. As well, a couple of years ago, we had a young lady who was in the prime of her life, a high school student, who was decapitated at Christmastime by somebody who had very serious mental illness and had been released a number of times and put back in hospital, but nothing really had been solved. That wasn't in our province. The death oc-

curred in our province, but the person who had been in and out of hospital was not from our province but moved to Peterborough a couple of years ago.

The jury recommended—and this is the jury that looked into Brian Smith's untimely death—a comprehensive review of Ontario's mental health legislation and the introduction of a community-based treatment program to ensure that those with serious mental illness do not pose a danger to themselves nor to others. That, to me, is one of the keys. In this act, not only are we protecting the public but we are also protecting those who have serious mental illness. I believe that the communities deserve that type of support from this type of legislation.

1930

Brian's Law, introduced by this government, is reacting to recommendations by coroners' juries, mental health care professionals and, most importantly, the families of those who have sons or daughters or husbands or wives or mothers, whatever, afflicted with mental illness.

Our government has been accused of not consulting, of not listening to the real people who are affected. Two parliamentary assistants with the Ministry of Health over the last couple of years, Dan Newman and Brad Clark—Dan's report, as you've heard tonight, 2000 and Beyond. Both of those reports called for strengthening of Ontario's Mental Health Act. The consultation included doctors, nurses, emergency room attendants, police, mental health organizations and, above all, the families.

What concerns me more than anything else is that there are a great many activists in this country, in this province, who will be and have suggested up to now that they will be against this act. I suggest to you that we'd better listen to the families, the families who are involved on a day-to-day basis with those folks, with those siblings, with those family members who have mental illness, and listen to those people whom those folks who do have mental illness are dependent upon. That, I believe, is the most important thing we could do to make sure this legislation is approved, because they are the ones who are involved. They are the ones who are involved on a day-to-day basis, not somebody out there who says, "I don't like this legislation," or, "I don't think you should impose this on that particular person." Think about the Brian Smiths, think about the young girl in Peterborough, think about the families who have to cope on a day-to-day basis with a disease that is very severe, that totally turns their life inside out.

I've talked to many of these associations over the last five years, and I've walked in support of those with schizophrenia. I have walked on the various bike-a-thons and walk-a-thons to support the support groups for those who have family members with mental illness. Those are the people I believe have contributed immensely to this bill. They're the ones who have suggested what we should do and what we should put in this bill.

I suggest to you that if you haven't been there, don't criticize too much. Talk to those people who want change. Talk to those people who are concerned. Talk to

those people who don't have the necessary support but will have under this bill.

As I look at the type of investments our government has made over the last couple of years to support mental illness and mental health, I suggest it has been maybe not enough, but I can tell you it's a lot more than we ever had before.

When I first ran back in 1995, after being in municipal politics for a number of years and the last three of them as warden of Peterborough county, we were involved with a lot of these folks, and indeed I see them walking by my office now, people who are falling through the cracks and have fallen through the cracks for a number of years. I made the comment during those two election campaigns, and certainly the one of a year ago, that if there was anything I could support, it would be to try to make sure those folks didn't fall through the cracks any more.

One of the problems is that when you have somebody who has a severe mental health problem, you phone the police and they don't want them; you phone the hospitals and they don't want them; you phone the doctors and they don't want them; the psychiatrists, they don't want them; the families can't cope with them any more and they don't want them. So what do they do? They just wander around our communities, and eventually something will happen much like what happened in Ottawa with Brian Smith or, indeed, what happened in Peterborough with the young life that was taken.

Our government is committed to a public policy that will balance individual rights and public safety and the treatment and protection of individuals with mental illness. But there must also be recognition of the public's justifiable expectations to safety and security. As I mentioned a little earlier, this is not only about the public; this is about the individuals themselves. Mental health reform must meet—and I emphasize that—the needs of patients and, above all, their families.

One of the problems in regard to families is that many of the moms and dads are getting older, and they have the 30- and the 40- and 45-year-olds who have serious mental health illness and they are beside themselves on what they are going to do, how they can support them, how they can deal with them when they pass on. Will these people I talk about, who have fallen through the cracks, be protected in society, and, as well, will they be protected from themselves?

If you look at some of the things that are included in this bill, I believe it speaks very highly of what this bill says and what it will do. As we all know, it introduces amendments to the Mental Health Act to ensure that people with serious mental illness get the care and the treatment they need in a community-based mental health system. Some of those amendments include expanding the current committal criteria in the Mental Health Act. Yes, you will have people who suggest we shouldn't expand those criteria, but, I suggest to you again, think about those people, think about those families who want

these criteria expanded, who made the suggestions that this should happen.

Also, it includes community treatment orders for people with serious mental illness to permit appropriate treatment in the community as a less-restrictive alternative to hospitalization as proposed by a psychiatrist or a physician. Surprise. Why would we not make sure that those various medications be given and taken by those who may not always have the capability of either remembering or having access to them? It also includes community treatment for involuntary psychiatric patients who consent to a treatment plan as a condition of their release from a psychiatric facility into the community. It also removes the requirement for police to observe disorderly conduct before acting to take a person into custody. Surprise. Maybe they should be taken into custody prior to things like what happened to Brian Smith.

1940

When you're looking at taking the medication, it's funny, many can take the medication, but the minute they start to feel better, they quit. "My problem is solved, so I don't have to take the medication any more." That's when problems begin to happen. I have a friend, who, when he does not take his medication for a period of time is a totally different person; certainly not with a serious mental illness, but he has an illness that is controlled by medication. He as well, when he feels better, decides that he's cured, as we all do sometimes—we're cured, and we don't have to take it any more.

Also, the committal criteria are being expanded to reflect a number of things, one of which is the need for treatment. Should that not be the way it is? I believe it should be. Should it not include a serious mental disorder? Why wouldn't it? It also includes a lack of mental capacity to make treatment decisions. That, I believe, is a major criterion we have to have in this bill, and we have to make sure that it happens, that there are those controls in place that make sure that those folks who have to take some type of medication do so. It also expands the availability of a substitute decision-maker willing to consent to treatment—a risk of serious harm if not treated. I suggest to you that all of those things are so very important if we are going to help—and I want to make sure that word is in the record—those who possibly because of serious mental illness cannot help themselves.

I know there will be those who are opposed to the community treatment orders. But again, the CTOs are for individuals who suffer from serious mental disorders and who have a history—let me emphasize, a history—of repeated hospitalizations and who meet the committal requirement under the Mental Health Act and involuntary psychiatric patients who agree to a treatment supervision plan as a condition of their release, as I mentioned before. This is why community treatment orders are in place—and why would they not be?—to make sure that these folks who are suffering problems do that.

The CTOs may be issued by a physician. Why wouldn't they be? The same as they would treat any other patient, they would issue the community treatment

orders. I believe they have the knowledge and the expertise and probably have been dealing with that patient for a number of years.

There are also safeguards for patients: a number of rights that will flow from the designation of a CTO, including a right of review by the Consent and Capacity Board with appeal to the courts each time a CTO is issued and a right to request additional reviews by the Consent and Capacity Board in the event of a material change. There again, there are safeguards in place to make sure that patient is well protected.

As I have said, I call some of these folks, with no disrespect, those who are falling through the cracks. I don't believe anybody in our society should fall through the cracks. I believe we all should have as much opportunity as possible. I believe Brian's bill is a bill that starts that process, as it moves along, where we will be able to protect some of those folks who are not able to protect themselves. We're going to care for them, we're going to help them and we're going to make sure they get the treatment, facilities and the help they need and that we can assist the families who have great concerns for these folks. We should listen to those families, listen to them and believe what they feel they should have, what they want and how the people should be treated.

I support this bill. I believe it is a start in helping those with serious mental illness.

The Acting Speaker: Comments and questions.

Mr Michael Bryant (St Paul's): The member from Peterborough was talking about those—and there are not many, but they are out there on the streets of Toronto; they are certainly in the riding I represent—who have fallen between the cracks, as he said. He's right. For whatever reason, legislative lacunae have developed whereby people who need the assistance of those who can help them right now are not getting that assistance. We know that's happening. We experience it all the time in this city.

There's somebody outside every day that I leave my house. I cross a parking lot on the way to the subway stop, and there's a man there. He's about my age. I'm not a physician, so I can't diagnose him. But he's there, he's by himself and he's talking to everybody around him, and nobody knows what he's talking about. The evidence of deterioration cannot be understated. Before I was elected and after I was elected, I made phone calls and I tried to get him help. I was told: "Look, the test right now is very rigid; it's old and it needs updating. Right now he will not be helped."

The purpose of this bill is to help people like this man. I agree with the member from Peterborough that there's an obligation on us as legislators to fulfill nothing less than a moral bond as a community to help those who cannot help themselves.

There are lots of matters on which I'm not going to agree with the member from Peterborough, but on this one I do agree that it is incumbent upon us to fulfill those bonds. We take the government's word and we will hold them to it to ensure that the resources are provided. But

how could we not, when we all know that right now the laws as they stand are flawed, support an effort to in fact do that? I congratulate all those who have been pioneers in this issue. I know Richard Patten has certainly been one of them. I'll certainly be supporting this bill.

Mr Gilles Bisson (Timmins-James Bay): I'm going to weigh into this from a different perspective. I respect the comments that were made across the way, but I have to take exception when the member from across the way, Mr Stewart, talked about how doctors didn't want them, the mental health institutions didn't want them and the families didn't want them.

My sister is schizophrenic. I've had to deal with it as a family member. My brother, along with my parents and the rest of our family, have had to deal with my sister's illness. I hope you were not serious when you talked about families not wanting them. That is not the norm. We, as a loving family, have worked with our sister for a number of years. She's doing well now. She's living in a group home facility in Timmins, which was originally funded by our government. It is still being funded today, and I hope you will continue to do so.

The way she dealt with her illness was by having a family around her that was able to walk her through it and go through the tragedy with her. It's an illness that normally sets in when you're older, in your twenties. Louise, my sister, was a university grad, worked well, was working towards getting a translation degree, and she became ill. I really don't believe the orders you're putting before us in this bill would have done anything in Louise's case, because what we needed were the services in the community to help work with her. That's where I would like to see the emphasis put. I understand there are exceptions to the rule. We see that in Toronto probably more than anywhere else, where we have people who really do fall between the cracks because, for whatever reason, they don't have people around them. I take it that's part of the group we're trying to work with here.

I just want to speak out on behalf of families, because most of us, if not all, are desperately trying to find ways to work with our brothers and sisters or parents who may be suffering from a mental illness. What we really need is not a law to pick them off the streets, but quite frankly support services in the community to help them along when services are needed.

1950

Mrs Julia Munro (York North): Thank you for giving me the opportunity to speak very briefly on this bill. I think this bill is an extremely important one in the history of mental health services in this province, and I think so for a number of reasons. I will have the opportunity to speak further on this tomorrow, but I'd like to comment very briefly here this evening on the process that has brought this bill forward. It represents consultation that was done by the current Minister of the Environment, the Honourable Dan Newman, when he provided an opportunity to do public consultation quite some time ago on the whole issue of mental health. That was

then followed this year by the current parliamentary assistant, Brad Clark.

But what's most important about the consultation process we had with regard to this bill is the manner in which it has been done. The fact that we were able to go out and have public hearings after first reading is a clear departure from the norm. I want to express at this point the success that I believe these consultations have provided us with. We have heard from members of the community, both professional and personal family members, who have been able to bring to our committee hearings a variety of expertise and experience that has provided the committee with the opportunity to hear this expertise and look at this piece of legislation from that standpoint. It is clearly an important departure, one that has provided all of us on both sides of the House with a great deal of information.

I would just point out that in this legislation it does in fact suggest that there is a responsibility in making sure that the treatment is available in the community.

Mr Michael Gravelle (Thunder Bay-Superior North): Certainly this is a very important piece of legislation—I think everybody in this Legislature understands that—and it's very sensitive legislation. We have discussed it and debated it previously in the last Parliament. I know that Mr Patten, my colleague from Ottawa Centre, brought forward his private member's bill and was very careful to make sure that he was addressing the need to balance people's individual rights, which are extraordinarily important in our society, with the need to provide for treatment for those who truly need it.

I think it needs to be said, and I know it has been dealt with by the member for Stoney Creek—who I think we all appreciate has worked closely with my colleague from Ottawa Centre and our critic, and with the third party as well—to try to recognize that this needs to be dealt with in an extremely sensitive manner, because in order for this legislation to have an opportunity to work, the resources do need to be in place. Those resources can range from the fact that we may need to have more beds in our psychiatric system—and we, of course, have watched the reduction in the number of beds in our system over the last four years, which gives us great concern—as well as the need for supportive housing and transitional housing. This makes me think very directly of the needs that we have in our emergency shelter in Thunder Bay, Shelter House, which is threatened with closure right now; 75% of the people who are at Shelter House are people with very strong mental illness challenges. But there's no question that this is legislation that is being taken very seriously.

I have also worked with the Thunder Bay branch of the Schizophrenic Society of Ontario and with Helen Schumacher and her husband, the late Bob Schumacher, an extraordinary man who was very important to so many people in the mental health community. I want to pay tribute, if I may at this opportunity that I have now, to Helen, who has worked so very hard and sensitively, and certainly to the memory of Bob, who was an ex-

traordinary individual, and I know this legislation would mean a great deal to him. I know they share the same sensitivity that this be done the correct way.

The Acting Speaker: A two-minute response, member for Stoney Creek.

Mr Clark: I want to thank the members for St Paul's, Timmins-James Bay, York North and Thunder Bay-Superior North for their comments and questions.

I came to this House on June 3, and I came to the House a bit of an idealist. I really did believe we could strive to develop the ways and means to develop good public policy in a non-partisan way. I didn't venture to guess at that time that this particular portfolio would be placed in my hands. I think we have an opportunity here in this House. I know there are concerns in the House—the member for Timmins-James Bay expressed some reservations and reticence—and there are concerns in the public. I think it behooves all of us in this House to understand the true implications of what we're trying to accomplish and try to make the bill the best it can be, try to make the legislation the best it can be. That's why I'm committed to working with the opposition members in terms of developing amendments that all of us can live with and moving them forward. It has been a very worthwhile process so far.

I'm reminded of a comment that was written in the Talmud in 30 BC. It has been paraphrased many times, but the gist of the expression is: "If not us, who? If not now, when?" I think that's where we are right now with mental health reform: If not us, who? If not now, when? I really do hear the concerns about resources. So the member for Timmins-James Bay understands it, I said in the consultations that I would be failing if we bring in legislation without dealing with the community supports. We need both. But before we can get down that road, we need to fix the legislation so we can build a continuum of care from the psychiatric facilities to the community. I encourage all parties to support the bill.

The Acting Speaker: Further debate?

Mr Richard Patten (Ottawa Centre): I must express being very happy to be here this evening to participate in the debate on this particular bill and that the government has seen fit to adopt some of the recommendations that have come forward.

I want to remind people that three successive times I've presented private member's bills—111, 79 and 29—in the last three sessions of government. This goes back originally to January 27, 1997. I recall that during the election of 1995, it was the group called at that time the Ontario Friends of Schizophrenics, now called the Schizophrenia Society of Ontario, that provided the original inspiration for those bills. With each one there were amendments and a progression, moving towards dealing with and recommending community treatment programs. While these bills didn't pass at the time, there was considerable discussion with the ministry, with the minister and with people in the community, of course, receiving and seeking legal counsel. There was a general progression, and I want to acknowledge the many families

and individuals in particular, associations and organizations that have been attempting to promote what I believe is the core rationale of this particular bill. What is really at the core is talking about treating a very small population within the general mentally ill population. I will elaborate on this as I go through, and I think many members will address this particular issue as well.

I also want to say that I have always maintained, and I believe we have that spirit today in the House related to this legislation, that this is a non-partisan issue, that this is something that goes beyond trying to seek points for one party or another, that we really need to respond to a general population who have family members in need and people who have needs that are not being met at the moment.

I'd also like to acknowledge the fair way in which the committee proceedings have been held, under the chairmanship of Steve Gilchrist. I think he has done very well. I want to acknowledge the minister's efforts and those of the parliamentary assistant from Stoney Creek. He has shown some skill in shepherding consultations in the community, as well as a real desire, a personal feeling of, "Let's try and do this together." I have great respect for that and I share his ethics and his intention on this.

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Those invited to present before the committee represented numerous organizations, experts, consumer-survivors and individuals. As well, it was the first time since the standing orders were changed that a bill went directly to committee after first reading, which is essentially not a debate, not a discussion, but an introduction of a bill into this House. I believe that will make a difference, because it offers the committee members an opportunity to receive and hear testimony and then gather their thoughts in light of the depositions and witnesses' points of view to then present their views here in the House. I will tell you that I have changed and added some things and learned some things from many of the groups that have presented to us during this particular phase. I'm hopeful that this may be a new way of operating and a more constructive way, because I believe it represents the kind of opportunity that will lead to better legislation, and hopefully every single MPP would wish to see that happen.

I hope this will continue. I do have a couple of concerns. We still haven't received the information from Hansard on our hearings yet. We haven't received from research some of the points we had requested. I just identify those as concerns, being hopeful that we can overcome these and make sure we've got the very best information available and opportunities for members to speak to the bill being conscious of representations that have been made to us. I do hope the government continues to honour its pledge of working together.

The government has fittingly, in my opinion, chosen to call this Brian's Law after Brian Smith, the much-admired Ottawa sportscaster, whom I knew very well on a personal basis. He was tragically deprived of life by the act of a man suffering from a severe, serious mental ill-

ness. As has been said already, that may have been prevented had we perhaps had this legislation in effect at that time.

I recall speaking at the inquest, and the changes being suggested as a result of that inquest are now very similar to the changes I had proposed in one of my bills and that are proposed here again in this legislation. I'd also like to acknowledge the courage of Alana Kainz, Brian's widow, who has spent much time studying, reading and lobbying for changes to the Mental Health Act in the wake of her incredible loss, as we can imagine.

Others who testified at the hearings, who also suffered loss of immediate family members, include of course Sheila Deighton, from the eastern Ontario area, and Lori Antidormi in losing Zachary, their son. There are numerous other examples that I will not get into.

Since this began, I've had feedback from many other individuals both for and against what are called community treatment orders. I've heard from family members who have told heart-wrenching stories about their adult children who desperately need treatment and are unable to access it because they characteristically are unable to recognize and accept their illness.

I have testified as a witness at two inquests, the Kovalsky-England and Brian Smith's, both of which recommended community treatment orders among their many recommendations.

I have so much to say but not enough time to say it in my speech this evening, so I will be addressing the amendments in the bill, not all of them, but dealing with the area of the community treatment orders. I have seven points that I would like to make.

The first point is the need for a preamble in the bill. The intent of having a preamble in the bill is to assure the public and those who have worries that we are talking about a very small, targeted group within the mental illness category of individuals, and it would serve that function. When I led off debate at second reading on Bill 78 in February 1997, I said the bill was based on the following principles: that persons who suffer from severe mental illness such as schizophrenia should have the right to access the medical treatment they require as early in the course of their illness as possible; that treatment should occur in the least restrictive environment possible; that treatment should be tailored to the needs of the individual; that there remains a need for involuntary hospitalization because of the reality of severe mental disorder; that everyone requiring treatment in the absence of their consent does not need to be detained in a hospital in order to receive such treatment.

I supported these principles then, obviously, and I support them again today. Our caucus has suggested a preamble for this bill. Indeed, with the non-partisan approach I referred to above, there has been an apparent agreement, subject to some rewording and some final approval by the committee, and I do hope that will happen.

I can't underscore enough the importance of this preamble, because it will clearly define the small group of persons to which the amendments in this bill are targeted:

the hard-to-serve severely mentally ill. While we heard this point throughout the hearings and while the literature on community treatment orders says this, there still remains confusion about exactly who this relatively small proportion of patient population is. A preamble would clarify that in legislation, particularly that CTOs are intended for individuals who cycle through repeated involuntary admissions—some might call it the revolving door syndrome in and out of hospitals—stabilization, release to the community, failure to take medication or follow a treatment plan, deterioration and readmission to hospital once the dangerousness threshold has been achieved.

Second, the definition of community treatment order: It is my view that the term “community treatment agreement” might better describe what we have. CTOs, community treatment orders, come from the United States of America. They are truly a court order. The “agreement” we are talking about that has been introduced here is really a consensual model that seeks agreement by the patient or a substitute decision-maker. I think “community treatment agreement” would alleviate the concern of those who are thinking of something in a far more judicial legal sense but see it more as a medical model of being able to treat someone who is in need of that treatment.

We also have proposed changes to the criteria for an order to narrow the threshold criteria to three previous involuntary admissions or a cumulative total of 60 days of involuntary stay in hospital over the immediately preceding two years, to make this more consistent with the legislation that exists in Saskatchewan. Their most recent reports show this is working. We proposed changing previous admissions to involuntary admissions, because we heard from those who felt it was important not to widen the net or penalize those—or some people feel they may be penalized—who seek treatment on a voluntary basis or who have sought voluntary treatment in the past.

I want to mention that some presenters did not believe that CTOs are necessary because of the leave-of-absence provision that exists in the present Mental Health Act, section 27 of the present act. However, this is not a feasible alternative. I'd like to quote Dr David Goldbloom, physician-in-chief of the Centre for Addiction and Mental Health in this regard:

“Section 27 of the Mental Health Act, which allows involuntary patients to be out of the hospital for up to three months, was not intended to provide community-based treatment and is predicated on the assumption that the patient will in fact return to hospital. A recent review board hearing at the centre did not uphold the use of section 27 for community-based treatment of a certified patient. It is clear that section 27 was not designed to be used as a mechanism to enforce community-based treatment, and should not, therefore, be upheld as a special alternative.”

Third, the indicators of success of community treatment orders: Since Saskatchewan enabled CTOs in 1995, an average of 60 are issued per year for an initial duration

of three months. Generally, persons subject to a CTO have one or two renewals. While no formal in-depth evaluation has been undertaken, however, strong evidence given by Dr John Elias at the committee hearings indicated that there are approximately 15 individuals on CTOs at any given time. This is not a massive number of individuals.

Do they work? Preliminary findings suggest—and I was just reviewing this research this afternoon—that indeed they do, that the majority of persons subject to CTOs in Saskatchewan actually continue to live in the community successfully with treatment.

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This particular survey, which was undertaken by Doctors O'Reilly, Keegan and Elias, reported:

“The longest continuous period for which a patient was the subject of a CTO was 24 months. However, only six psychiatrists reported having kept any patient on a CTO for longer than one year.

“Of the psychiatrists who had not used CTOs”—they surveyed all the psychiatrists in the province—“465 expected to use them in the future. Moreover, among psychiatrists who had used CTOs, 43% expected this use to increase. Thirty-seven percent of psychiatrists had identified patients in their practice who would be suitable for a CTO, but who had not been placed on an order” as of yet, and it goes on to describe some areas.

In summary, in terms of this particular study, CTOs are viewed by psychiatrists in Saskatchewan as a valuable legal tool in the treatment of patients with severe mental illnesses.

During the committee hearings a number of research studies were cited. Many were from the United States, where involuntary outpatient committal or outpatient committal is the most similar legislative mechanism to what we're talking about, but is not a legal program; it is a medical model.

Studies present the case both for and against. Some present both, as I've just said, and I'd like to reference the findings of two that particularly struck a chord for me.

A National Survey of the Use of Outpatient Commitment by E. Fuller Torrey, MD, and Robert J. Kaplan concluded, “Outpatient committal has been most comprehensively examined in North Carolina and their studies suggest that the role played by mental health professionals and mental health centres is critical to the success of outpatient committal programs.”

Several studies of outpatient committal in the US show that they did result in fewer readmissions and fewer hospital days than control subjects. Particular benefit was shown with those with non-affective disorders, presumably schizophrenia, according to Dr Russel Fleming, who presented to the committee. But more important was the conclusion “that sustained outpatient commitment reduced hospital admission only when combined with a higher intensity of outpatient treatment.”

Dr Julio Arboleda-Flórez—that's quite a name to pronounce—cited a particular study as he came before our

committee, and he asked, "Can involuntary outpatient commitment reduce hospital recidivism?"

The findings from a random trial with severely mentally ill individuals by Swartz and Swanson, also cited by others, were that, "Outpatient commitment can work to reduce hospital readmissions (by 57%) and total hospital days (20 fewer) when orders are sustained and combined with intensive treatment, particularly for individuals with psychotic disorders (72% fewer readmissions and 28 fewer days)."

This brings me to my next point: the need for effective mental health resources in the community. If there is one area in which there seemed to me to be overwhelming consensus, it was the importance of resources. I understand the government is putting resources in and much of that is going in by way of what are called ACT teams, assertive community treatment teams. The research has shown that they are effective. They've gone through the study phase and they are being applied. There are about 51 of them being applied in and around Ontario. The feeling is that we need to make sure that we have the resources; otherwise, this particular piece of legislation just will not work.

The treatment plan assumes frequent contact with the attending physicians, other health practitioners or persons involved in the person's care or treatment, the substitute decision-maker, if there is one, and the person who is the subject of the order.

Indeed, in the study cited above of findings from a random trial with severely mentally ill individuals, their analysis of effective outpatient services suggested regular and sustained levels of outpatient services averaging more than seven services per month.

The presentation from the Association of General Hospital Psychiatric Services underscored the need for the availability of community resources if the success of CTOs hinges on effective treatment. With most of the provincial psychiatric hospitals either closing or divesting, and the Ontario general hospitals which have psychiatric services picking up the slack, the association contends that emergency rooms have become the "pressure point" or "gate" to the community mental health system.

Some presenters indicated that a comprehensive list of services should be included in the legislation. My concern with that recommendation is that this could delay implementation efforts and there may be things left off the list, and if they're off the list then perhaps they're not available under the legislative format. What we need to do is assure access to a range of community-based mental health services across the province.

We also heard testimony from many underserved areas where access in a timely way is not ensured. Dr Ian Musgrave spoke to the committee about assertive treatment teams and the role they could potentially play with CTOs since they are in many cases dealing with the same clientele. Currently there are approximately 50 ACT teams being developed across Ontario, and Dr Musgrave suggested that Ontario will most likely need a total of

150 over the next period of several years in order to provide effective support. We're not saying that all ACT teams need to be the basis for CTOs, but they do seem to be forming a basis for some common service networks that need to be strengthened with other agencies, groups and professionals.

The importance of evaluation: The Centre for Addiction and Mental Health, in its Best Advice paper, strongly recommends:

"CTO initiatives in Ontario have qualitative and quantitative evaluation components attached to them. Evaluation should extend beyond the standard measures of numbers of hospital admissions, days in hospital and medical compliance, to include quality-of-life improvements and client-family satisfaction measures. Parallel research into the effectiveness of alternatives such as conditional release and guardianship would be useful."

They further recommended:

"A sunset clause based on evaluation results should be incorporated into the legislation. In the event that CTOs are shown to be ineffective in achieving higher rates of treatment compliance, they should be discontinued. There should be an explicit time frame for making that decision."

Our party supports the spirit of that. The importance of evaluation and monitoring and looking at what we are doing, and the true, effective measures of success, need to be concurrent with the implementation of this program.

Concerns about civil liberties: During the hearings we heard concerns from a number of consumer-survivor groups and individuals about infringements of civil liberty. There was both mistrust and misunderstanding, particularly about CTOs. Some consumer-survivor groups critical of CTOs and of Bill 68 in my opinion are scaring people and leading people to believe that large numbers of persons will be forced into treatment against their will.

CTOs are not for everyone. In fact, they are intended for a very small percentage of the mentally ill population. I clarified this when I mentioned above the need to clarify this in a preamble, but it is worth repeating here. The Centre for Addiction and Mental Health concludes, "Only a small number of clients would be candidates for CTOs," and further, the position of the Ontario Medical Association subsection on psychiatry is that, "CTOs are a necessary tool to ensure appropriate treatment for a small group of patients only, namely the 'hard to treat' that lack capacity and who are likely to become a risk to themselves or others or are at imminent risk of serious physical impairment."

In summary, I agree with the assessment of the Centre for Addiction and Mental Health, which puts out a Best Advice paper on CTOs. In February of this year, the paper says: "In short, CTOs must not be seen as a panacea that will solve the problems of non-compliance on their own. Instead, the effectiveness of CTOs will be highly dependent on the availability of a range of other supports and services."

The safeguarding of rights: Let me start by saying that I am very aware of the charter protection of rights, such as the right to liberty, the right not to be detained arbitrarily and the right to security of the person. Limits on charter-protected rights must be clearly justifiable. But it is important to recognize that persons have the right to be treated by the mental health care system as well, especially if they are not capable of making that decision for themselves.

I believe that people have a right to be healthy. I believe that we have an obligation to seriously mentally ill persons to ensure that they have access to medical care when they need it. I believe that we need to support families in caring for their severely mentally ill loved ones. As Selina Volpatti, the immediate past president of the Schizophrenia Society of Ontario has so poignantly put it, "This is not a political issue; it is a health issue and an issue of saving lives." As Bridget Hough said during committee hearings: "They have had their right to refuse medication honoured for long enough. Now let them enjoy their right to treatment, their right to get better, their right to services, the financial and social supports they need and the opportunity to reclaim their lives."

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Our party is very cognizant of the need to safeguard the rights of mentally ill persons, particularly those who are being considered for community treatment orders. We have submitted that rights advisers should be certified to ensure that individuals receive accurate information from qualified persons and that they be well resourced.

We have registered concern about confidentiality of information regarding someone who is subject to a CTO. We have noted that persons dealing with the criminal system as opposed to the civil system appear to have more rights because they have the right to legal counsel. We are not suggesting that the mentally ill be routed through the criminal justice system and found it quite abhorrent when one witness testified: "The current mental health legislation failed to protect our family. It took a criminal offence to finally get the treatment our family needed." The criminalization of the mentally ill was brought up by numerous presenters; notably, the Schizophrenia Society of Ontario, Dr Al Eppel and Dr Russel Fleming.

Finally, I wish to address a sensitive issue, the relationship between mental illness and violence. You can appreciate why this is a sensitive issue. We heard testimony from some groups claiming that the mentally ill, for example, are no more violent than others. I don't disagree with that general statement, but it was basically left there. We also heard that there is a relationship that under certain circumstances the severely mentally ill are more violent than the population at large. Typically, the research shows that becoming violent can be directly related to behaviour of the small group of mentally ill people who go off their medication or are using other drugs, alcohol or have paranoid delusions. This combination points to the danger in leaving someone with

paranoid schizophrenia untreated, who does not understand his or her illness.

Dr Julio Arboleda-Flórez presented testimony about the findings of the characteristics of patients that support the stereotype of mental illness and violence. He reported that only about 6% of those persons who are violent are the ones who cause most of the problem, and about 6% of those seriously mentally ill, those individuals who cause violence in mental institutions, belong to this particular group and are responsible for 50% of all the attacks and 50% of all the serious attacks.

He reported findings that 25% present fear-inducing behaviour during the two weeks before admission; 32% present such behaviour at the emergency ward and 13% attack emergency personnel; about 20% of admissions to acute psychiatric hospitals have committed violent assaults during the two weeks before admission, and 60% attack relatives, which go primarily unreported because a mother or father does not want to go to the police in order to get their son or daughter charged. So it's a very difficult thing.

I did want to address this, because while it is true in the general population, there is a small subgroup in which the risk of violence to themselves or to others has a factor of eight, nine or 10 times, and I felt that should be put on the record.

I've only got a few minutes left, so I'm going to move quickly to another section and suggest, in summary, on that statement that when you introduce substance abuse to those who suffer from certain mental illnesses, then the likelihood of violence becomes a very high consideration.

In summary, we support the major thrusts of the government's amendments to the Mental Health Act in Bill 68. Our party has some specific suggestions for amendments that would change the name of a community treatment order to a community treatment agreement. We think that would better reflect the reality of what the community treatment plan is. It would clarify exactly who CTOs are intended for, strengthen their rights provisions and seek greater protection from liability for persons who provide care in addition to treatment under the CTOs, among others. CTOs have received the most attention or are the most significant part, in my opinion, of the amendments to the act.

Our party believes that CTOs are key to addressing the problem with the severely, seriously mentally ill—that small population. We believe CTOs will reduce both the number of repeat hospitalizations and the total days stayed in hospital. CTOs will support the movement of patients from in-patient hospital beds to outpatient treatment and community living—not for everyone but for some in that category.

The CTOs will put a demand on services and resources, and their availability in the community—meaning resources—is key to successful implementation. Our party does not believe that Bill 68 represents coercive legislation or that CTOs give control to one person over the life of another.

Finally, I would like to quote Ian Chovil, in his deposition to the committee hearing. He said: "I would have no objection to a CTO if I became psychotic again. I wonder why I had to lose 10 years of my life to an untreated psychotic episode. I didn't know that I was ill. For me, a CTO law is like a law requiring you to use seatbelts. It is for your own protection whether you agree with it or not. CTOs will save lives. It is a law for people who consistently get into accidents without their medication."

I am going to stop there and simply say that the spirit of co-operation and non-partisanship that has taken place to date on the government side and with the opposition parties has been terrific. I will be happy to participate in that particular manner and spirit and so I believe will my colleagues in the Liberal Party.

The Acting Speaker (Mr Michael A. Brown): The member for Timmins-James Bay.

Mr Bisson: As I mentioned in one of the responses I had before, I come to the debate with a bit of personal experience. I don't pretend or purport to be an expert on this issue. I just bring the experience I've had dealing with a member of my family, my sister, who is schizophrenic, and who had to go through many bad times in order to get to the better times that she has today.

I am inclined initially not to support this legislation, and I'm speaking as a member at this point, not so much for the caucus. But in saying that, I understand some of the arguments that have been put forward by members of this assembly on both sides, including my own caucus, and some of the discussions I've had with various people in my community and the greater community of Ontario when it comes to this issue.

Before I start I want to say also that I appreciate that the parliamentary assistant is here for this debate and listening and paying close attention. That's something, quite frankly, I wish more parliamentary assistants and ministers would do. I think it helps in the debate and it also makes us feel as if what we're saying is being more seriously taken into consideration.

I want to come at it from this perspective. To a certain extent I guess we've come full circle in this province, and I would argue not only in Ontario but in most of the democratic world. There used to be a time when mental illness was something we knew very little about, and the only way we knew of to deal with problems of people with mental illness was basically to lock them up. Back in what they call the good old days, if you had a family member who was mentally ill from whatever disease it might be, people didn't understand it. We were afraid of it and we locked them up in institutions, never to be heard from again.

Society was shocked when the doors started to open to those institutions, when the media started to report, at the insistence of family members who had loved ones inside those institutions, the types of horror stories that were going on within the institutions, partly because the professionals of the day or lack of professionals of the day knew very little of mental illness. Some of the treatment

these people got in institutions was quite inhumane and cruel. What we also learned was that a number of people were locked up in mental institutions who didn't need to be there.

This is not a partisan issue, I first of all want to say. This is not an NDP, Conservative or Liberal issue. This is an issue of all members and of great concern to us all. We learned that we needed to find some way to open the doors, so that we learned more about mental illness by putting it out in the open so that we as individuals within societies—professionals and laymen, survivors and people with mental illnesses—were able to see a little bit of the issue from both sides.

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That's when we started to recognize that we didn't quite have the answer to what to do, but we certainly found that locking up people wasn't the way. Slowly we started to try to find other responses. We started to recognize that possibly better institutions were the answer. So through the 1950s and 1960s the provincial governments across Canada tried to provide better care within institutions and provide greater human rights to individuals who were within institutions. Likewise, the professionals tried to learn more and made certain advances when it came to the treatment of mental illness, but a response still was an institutional one up until about the 1970s. We recognized up until that point that we knew very little about mental illnesses and we still had, "Well, we know we've got to lock them up but we don't quite know how to deal with it, so maybe we'll make their stay a little bit more pleasant," grosso modo the approach that provincial governments up until the mid-1970s were taking.

I would not argue for one second that it was because legislators of the day were mean or cruel or because they wanted to punish people with mental illnesses; it was because we didn't know a lot about them. The great stride I think was made when we finally opened the doors of mental institutions and we started to try to find ways to bring people into our communities so that we could put around people with mental illnesses certain supports, having family members as part of the care they need in order to deal in some cases with the mental illnesses or with the various diseases of mental illness. We started to learn about providing community support by way of assistive housing, by way of community services that were brought together by the Canadian Mental Health Association and others. We started to learn that a community approach was more or less the better way to go. It was still not perfect, we still didn't know a lot, and it was a growing experience for all, for those suffering with mental illnesses and certainly for those working within the sector, providing services for the families.

What happened was, as we sometimes tend to do in legislatures, we might have moved a little bit too fast when it came to opening the doors of those institutions, because by and large we depopulated those institutions so quickly that some of the people who needed to have more support in an institutional setting were basically dis-

charged from the institution and ended up in communities with no support at all, either because there were no family members around to care for them because they had been locked up for so long or because other circumstances put them in that category.

I feel somewhat—and this may not be fair, but this is what I feel—that to a certain extent the law we're debating tonight that we're trying to pass through this Legislature deals more with that group of individuals, those who are harder to serve, those who are without the kinds of family supports or the wherewithal to function within a community setting. So our reaction is that we're afraid. We don't know how to deal with these people. In some cases families don't know how to deal with these people. So we look at the state to come up with a solution, to provide some way of dealing with this because it's rather uncomfortable: "I don't want this person with a mental illness on my street corner. I see that man or woman and I wonder, are they a danger to themselves, are they a danger to me, are they a danger to my neighbour?" To a certain extent I feel that this law speaks to that probably more than it speaks to the other side of the issue: people with mental illnesses who have supports around them. That's what I really want to concentrate on this evening.

My experience, as limited as it is, in dealing with my own sister, Louise, who is schizophrenic and dealing with others I know in my community who suffer from various mental illnesses is that the better the supports are that we put around them, the better they do. My sister—I can tell you I feel this deeply—would not have been well served strictly by way of a community enforcement order or a community support order. Picking Louise up off the street and putting her into an institution or trying to force care on her I don't think would have worked. I recognize that I'm explaining that in a very extreme way, and if anybody gets up and says that's not the intent, I hear what you're saying. But understand what I'm getting at here, that what worked for Louise was a mother, my mother, who was tenacious, a father who was supportive and two brothers who were along for the ride in some cases because siblings tend to be the secondary providers of care; more often the job falls to the parents.

My mother—I give her great credit—worked quite hard and was quite frustrated about providing the kind of support my sister needed, to be able to deal with her mental illness. She quite frankly lobbied me when I was government to do exactly this. I resisted at the time because I was nervous about the issue of taking away individual rights on the basis of a mental illness. Again, there are extremes. There are those people for whom maybe there are good reasons why we need to do that, because they may be a danger to themselves or others, but in a lot of cases that's not the case and we misinterpret the person's diagnosis or we misinterpret the person's actions. That might be utilized to take away individual rights and that's what scared me.

The point I make is that what really worked for Louise was when it came to the point where she accepted that

there was a system there, community support services through the Canadian Mental Health Association and through a family support network, that allowed her to deal with her illness. By providing, at times, institutional care—she was in and out of St Mary's mental health centre a number of times, now the mental health section of the Timmins and District Hospital—and also living in a residential program, she slowly started to come to the realization that she was ill. That's the problem normally with schizophrenia, that we don't accept we're ill. The minute we start to feel a little bit better we figure, "That was just a bad bout and I'll be OK now; I don't need to take my medication," and unfortunately they take a relapse.

What happened with my sister was that eventually at the insistence of my parents, at the insistence of the people around her who loved her and at the insistence of the community system that deals with it, she has now been well for the better part of three years. She is on medication, she will never completely recover, but Louise now lives in her own home along with another individual who suffers from a mental illness. It's a fourplex where there are basically three other apartments with people in similar situations who live two per apartment. The Canadian Mental Health Association comes in every day, checks to make sure everything is OK, keeps an eye out, and Louise is doing quite well. She's happy in her home. She's happy in her life. She accepts her illness, and really that's the step to, not so much recovery but the step to being able to deal with managing your illness. Until you recognize you are ill, it's pretty hard to accept treatment.

I guess that's the point I want to make in this debate. I think in some cases, and this is where I'm prepared to listen to debate, where there may not be a support group around a person with a mental illness and there's nobody around to be able to assist them and to help them through their illness and help them make decisions, there may be good argument to do what this legislation purports to do. But I worry, as I read the legislation as it's written now, that it might, I think, go too far. We may be in a situation where people like my sister and others I know may be interpreted as having behaviour that is within the realm of this legislation, which would allow people like my sister to have her rights taken away. My sister may be ill but she is still a human being, is still, as far as I'm concerned, able to make her own decisions, and we need to respect her rights. I worry that if we were to go with the present way this legislation is written, we may go a bit beyond the pale. So that's the first point I make.

There's been a suggestion by some, I know the critic for our party, along with Mr Patten who spoke earlier, that maybe we need to come to this, not so much from community treatment orders but agreements of some type. I think the connotation is different and I think that's a point that's important. If you sit down with the people with mental illness and try to work out a plan with them, they may be more willing to enter into that plan to deal

with their illness. If we try to force treatment on to them it will be a different thing.

I know that because I've had to commit my sister a couple of times. On a couple of bad bouts I had to sign, I think they're called "section 1s"—I always get the term wrong—where you go to the justice of the peace and say, "I fear that my sister"—or whoever it is—"is a danger to themselves or others," and I've had to sign that.

Mr Patten: Form 1.

Mr Bisson: "Form 1s," as they're called, thank you, I was calling them section 1s but I stand corrected.

It certainly froze the situation, I've got to give it that, because we were desperate in some cases, but really the big stride in Louise being able to deal with her illness was when we were able to basically work with her, and the medical community was able to work with her, in order to deal with understanding her situation and what she needed to do to manage it.

So, I worry. I think community treatment agreements might be a different way of being able to do that and I'd like to hear a little bit more on that.

The other issue is that we need to make sure there are professionals who truly understand mental illness who deal with these orders or agreements. I would not want the average GP, quite frankly, or somebody of authority within the legal system such as a police officer or a JP, making those kinds of decisions or withdrawing people's rights, to force treatment on them, if they don't know something about mental illness. One thing I've learned is that doctors are sometimes well meaning, but they don't have the type of training to be able to deal with understanding mental illnesses in a way that allows them to deal with it in a rational way when it comes to what kind of treatment to give.

Part of my sister's problem was—I'm not going to put all the blame on the psychiatrists—they really had a hard time coming to terms with her disease and being able to properly diagnose and understand what was the best treatment. It was fairly subjective, the way I saw it, where finally, I don't know if it was by chance or by luck, a good psychiatrist was able to deal with better understanding my sister's situation so that her medications were better at dealing with her condition.

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I worry that the way the legislation is written now it's a bit too broad about who could trigger this legislation as far as the CTOs, the community treatment orders, are concerned. So I would ask that at the very least we make sure that whoever has the ability to put in place the mechanism that works towards an agreement, or if we end up with CTOs, which I worry we might, we only allow those people who understand mental illnesses to trigger those. Don't allow me, as a provincial member of Parliament, or a JP or a family doctor to trigger something like this, because we don't know a lot about it. I think we should leave that with people who know more than us.

The second point I want to make, which is really important, and has been touched on by the parliamentary

assistant and also by Mr Patten—I forget your riding; I'd be naming it if I knew—

Mr Patten: Ottawa Centre.

Mr Bisson: I knew it was in Ottawa; the member for Ottawa Centre—is the whole issue of providing support services within the community. That cannot be stressed enough. We see it in spades in downtown Toronto, where we do not have the type of support services we need to deal with people with mental illnesses in a way that's progressive, in a way that allows us to progressively deal with their diseases.

That's everything from housing to pensions so they have dollars so they can pay the bills, to having support people who will help them pay their bills—because in some cases they're not well enough to do that themselves, and I can tell you a number of stories about that—to support from people who are counsellors trained to work with the individuals, the whole gamut of services we need to provide to assist these individuals. I preface that also by saying it has to be done in a way that involves the family, because if the family is not involved, I don't think it's going to work as well; I know it's not going to work as well. We need to ensure that the families are triggered into this in some way or other. So I say to the government, to the parliamentary assistant and others, it's very important that we make sure the services are within the community to deal with them.

I would be remiss if I didn't say a few things about the survivors network, because in Timmins I worked quite extensively, and still do from time to time, with the Timmins Consumer Survivors Network. I want to bring to this debate some of the comments they've made to me, which is that they understand that in some cases we may need to take extraordinary action, but they worry, as I do, that if we go too far we will be infringing on individual rights. These are all survivors, so I have to take at face value what they're telling me. They're individual human beings like you and I; they have rights and they don't want to see their rights trampled on.

On the other side, also, I want to say that the Canadian Mental Health Association in our communities of Timmins, Kapuskasing, Hearst and James Bay does extraordinary work to find solutions about how to service and support people with mental illnesses. On their behalf I want to say, "Bring in the money." There is a lot that needs to be done and unfortunately there is not the amount of money they need. I signal yes, the former provincial government assisted by providing dollars. This provincial government has provided dollars as well, in addition to those that were there before. Those are steps in the right direction, but we really need to make sure that those organizations like the Canadian Mental Health Association are quite well supported when it comes to dollars.

I just want to close with a few words in French.

Je pense qu'il est important de reconnaître que les individus qui ont des maladies faisant affaire avec la condition mentale doivent avoir respectés leurs droits. On doit s'assurer, à la fin de la journée, de ne pas mettre en

place une loi qui va mettre en place un mécanisme où une personne non qualifiée pourrait possiblement retirer les droits humains de la personne et la forcer de subir des traitements qui peuvent être « counterproductive ». Je dis directement aux membres du gouvernement que vous avez besoin d'être très sensibles à cette question, de vous assurer que, si on va dans la direction que vous proposez, premièrement les seules personnes qui pourront mettre en place ces ordonnances de traitement seront des personnes qualifiées, et non des personnes non qualifiées, et que ce sera seulement pour ceux qui ont vraiment besoin d'aide, qui n'ont pas des supports autour d'eux, qui n'ont pas de famille ou dont la situation est vraiment extraordinaire.

Deuxièmement, on doit regarder le système pour s'assurer que les dollars nécessaires sont là dans la communauté pour soutenir ces individus. Comme j'ai dit tout à l'heure, ma soeur Louise, qui a elle-même une condition où elle est schizophrène, a fait de bons progrès basés, je pense, premièrement sur ma mère et mon père, qui ont travaillé très fort avec Louise pour une dizaine ou une quinzaine d'années en essayant de trouver des traitements qui marchaient pour elle, et sur le fait d'avoir une famille autour d'elle et un système communautaire qui a reconnu qu'elle avait certains besoins auxquels on devait répondre : un logement où elle pouvait demeurer, et une pension pour pouvoir payer ses « bills ». On devait s'assurer que les services étaient là pour faire le « counselling » nécessaire afin de l'appuyer avec sa maladie. À la fin de la journée, c'est seulement en travaillant en communauté avec ces individus qu'on fera les progrès nécessaires pour combattre cette maladie, qui est un gros problème. Merci.

The Acting Speaker: Questions or comments?

Mr David Young (Willowdale): Mr Speaker, I'm subject to being corrected by others, but I think it was the view of all that we were going to skip questions and comments. No? All right. Well, then let me commence my remarks.

Interjection.

The Acting Speaker: There's some confusion. The minister wanted to make a two-minute response.

Mr Young: I apologize, Mr Speaker. Sorry.

The Acting Speaker: The Minister of Consumer and Commercial Relations.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I came into the House not expecting to make comments, but it's quite ironic. It must be six or seven years ago that the member for Timmins-James Bay—he's not paying attention at the moment, but we had a discussion surrounding this issue in question period, following a murder in my riding, on the grounds of the Brockville Psychiatric Hospital. He and I almost came to a physical confrontation. The House had to be adjourned. I apologize to the member. I did not realize the depth of his feeling. I did not realize there was a member of his family who suffered from a mental illness. Certainly I think he would appreciate the depth of my feeling. This was the end of a series of very serious events in my riding with individuals being released into

the community who should not have been and who posed a very serious public safety risk.

I'm very proud of my government and this piece of legislation. I commend Mr Patten as well for his strong initiative in this area. I have to say that back in—I'm not sure when it was, 1986? I see Mr Conway in the House. I was, I think, the only member of the Legislature at the time to speak against an initiative brought forward during the NDP-Liberal accord. It was brought forward by Evelyn Gigantes, an Ottawa NDP member, to afford occupants of institutions in the province the right to refuse treatment. That was, in my view, a very serious error on the part of this House, which led to very serious problems across this province and a murder and an attempted murder in my own community. Certainly the people in the psychiatric community and the people involved in the operations of our institutions were very concerned about that change. I could go on for a while, but the time—

The Acting Speaker: Thank you.

Mr Patten: I'd be pleased to comment on the remarks made by the member for Timmins-James Bay. He provided a historical backdrop, certainly shared his personal experience in his family, and I can readily identify with that. I would like to assure him that the issues he has raised are extremely important. Most of them are being dealt with and have been brought forward, and some are going to be in the form of amendments.

2050

I heard a statistic the other day from one of the doctors who was reporting, saying we've moved from 10 years ago when there were 60,000 people in institutions, to where we now have 13,000. Did all of those people get better? No. We know a lot of them didn't. So we've got to backtrack and we have to make sure that community resources—not just for community treatment orders, but even more generally—are there to avoid that. I would assure him, in the study and the review of the literature, in every jurisdiction the numbers are extremely small. They are small numbers, less than 1% of the mentally ill. We are talking of those people who have lost a sense of capacity, who need temporarily to be confined to a situation for some treatment. It was very encouraging to read this afternoon the numbers from Saskatchewan. They're using an average of two; that means within six months most people are off. The propensity to continue with a community treatment order along the lines you had mentioned is exactly what's occurring. I take heart from that. That's recent data and recent research, and I think you might find some solace in that.

Again to the member, the implementation also: In Saskatchewan, they took two years before they implemented their program to make sure their community supports were in place. We may have to take care to look at an implementation phase as well.

The Acting Speaker: Questions and comments?

Mr Clark: Throughout the consultations, one of the things that kept coming up, and the member for Ottawa spoke to it, was that people were saying it's a myth that there's violence from the mentally ill. To be completely

fair to the people who were opposed to it, I think in earnest they really believed what they were saying, but there was a little bit of factual prestidigitation going on.

I raised the concern about suicides. I raised the concern about victimization of the mentally ill. Quite clearly, that was paramount in my mind and in many of the people who appeared before us. The evidence shows from numerous studies that community treatment orders can help to alleviate, to eliminate, a great deal of distress in the community in terms of suicide and victimization.

I'd like to read into the record right out of the hearings a statement made by Ruth Malloy: "Please let me emphasize that it is not the intent of the proposed amendments to take away any of the genuine rights and freedoms presently enjoyed by the mentally ill. The target population of CTOs would be that small proportion of the mentally ill who lack insight into their mental state, have a history of robust response to medication, repeated re-admissions to hospital and a chronic history of treatment non-compliance. Others have no reason to fear loss of autonomy."

I don't think anyone could have said it any better than that. Ms Malloy said it very succinctly, very clearly. We recognize that there is a broad spectrum of mentally ill: there are the very seriously mentally ill, and then you have the mentally ill in terms of depressions and compulsive disorders that would never enter into a community treatment order. We're talking about the seriously mentally ill. I think if we have developed the legislation with the right advice in it, then we can balance individual rights against the right to a safe society.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to commend the member from Timmins-James Bay. I listened with great interest to his comments. I don't know that I agree with everything he said, but I was particularly struck by his personal testimony about his family experience. Most of us here have probably had some experience; I know I have had, and on the basis of that experience, I say to the House tonight I strongly support this bill.

I'm probably the only one here tonight who was there 23 years ago when we last renovated the Mental Health Act. My friend Runciman talks about the former member from Ottawa Centre, Ms Gigantes, and the Minister of Consumer Relations is absolutely right. You know what I remember, Bob, about that Bill 19 debate of 1978? The very sharp difference of opinion between Gigantes and Elie Martel. When I look back, we were naive with Bill 19, or at least I was naive. I commend the members of this committee who have done all the work, ably supported by people in the community. But when I go back to Bill 19 in 1978, quite frankly, I think we expected more than was reasonable. There were deep divisions of opinion between the legal and civil liberty community on the one hand and family members and caregivers on the other. In the intervening 22 or 23 years I know I have, if not changed my opinion, certainly shaded it substantially about the need for the kind of changes this legislation speaks to.

So I stand here tonight and strongly support the legislation, but I want to underscore something my friend Patten has said. If we're not prepared to make the investments in both community and institutional mental health supports, this will be all a nullity.

In 1978 we were busy closing down the Lakeshore Psychiatric Hospital, among other institutional places. We were throwing hundreds of people out into the community, and there simply weren't the resources. I think we've learned a lot since then, but I repeat, if we don't make those community and institutional investments, this is not going to work very well.

The Acting Speaker: The member for Timmins-James Bay in reply.

Mr Bisson: In reverse order, I guess, to the member from Renfrew, I hear what you're saying, but from the experience you had some 23 years ago, I think we should learn that we shouldn't rush into this. We should make sure to get it done right, through the committee process, and understand what the pros and cons are so we do make sure we do a good job of this, because if we don't do a good job we can end up making more damage. I think it's a very good point.

To the parliamentary assistant, I thank him for the comments. In regard to the amount of violence by the mentally ill, I'm not an expert, but if we look at the percentage of violence within the mentally ill community as compared to the non-mentally ill community, it's probably the same. But what ends up happening is that because we're intimidated by the mental illness, sometimes we see it as being more than it actually is and we interpret certain actions as being violent where maybe they're not. But I hear what you're saying.

To the member for Ottawa Centre, I totally agree. First, we're in agreement around community supports. On the other issue, the Saskatchewan model, I agree that we need to phase it in. We need to make sure the way we do this is that we don't kick in those orders or agreements, whatever they are, until such time that, by way of legislation or regulation, we have in place those support services before the orders or agreements are actually enacted. I think we should learn from the government of Saskatchewan; in that case, a New Democratic one.

To the member from Brockville, in the 24 seconds I have, this debate is showing that we know each other very little as members. I remember that incident well. We almost had fisticuffs in this House. I had forgotten that, but I didn't realize it was for that particular issue. Sometimes, when we get into these debates where we're actually trying to work together to find a solution, we learn more about each other, and I think in the end we all gain. Certainly the people of Ontario do.

The Acting Speaker: Further debate?

Mr Young: I am indeed proud to join this debate tonight. Let me pause to note that this is a debate different from any other I have been privileged to be part of since joining this Legislature just over a year ago. Frankly, it's the way I thought it would be when I ran for office. This is a practice, a precedent that I hope can be

replicated in the future with other issues. Certainly the level of dialogue, the amount of listening, the responsiveness, the reasonableness that has echoed through this chamber this evening from all sides, from all parties, is refreshing and certainly most appropriate given the serious nature of the subject matter we're dealing with this evening.

I will indeed be supporting this proposed legislation. I am proud of the fact that it is tabled in front of this Legislature. I am proud of the fact that it came about as a result of consultation and input from members of this Legislature, regardless of their party affiliation, and came about after significant consultation with members of the public.

It's a difficult area. When one deals with the removal of very basic, very individual civil rights, it's always difficult. We must balance somehow or other. It's an onerous job, but somehow or other this assembly must balance the removal or the limitation or the restriction of those rights with the safety of our communities.

For the right reasons, there have been attempts to do so in decades past that have not worked out quite as well as we would have hoped. I want to say at the outset, remembering just how serious this issue is, that if this doesn't work or if this needs modification or amendments or more money than is currently contemplated, then we have an obligation to once again open up this difficult and onerous issue, re-examine it and get it right, or as close to right as possible.

2100

I think there are two perspectives that must be considered as you approach this debate, and I don't say these in any particular order. I don't rank one ahead of another; I think they're of equal import. The first is the safety of our community, the safety of our neighbours, our friends, our relatives. If there was ever any doubt about just how serious that is, how important that is, that doubt disappeared in a millisecond following Minister Witmer's announcement in this Legislature last month when she tabled this bill.

A number of the members of this Legislature followed her out into the foyer, as I did and members of the media, where a conference of sorts took place. In attendance at that conference were a number of individuals who are still trying to come to grips with enormous personal tragedies in their lives. I say to you without any hesitation and without any embarrassment that I was moved to tears as I heard the testimony and the emotions pouring forth from these individuals who had lost loved ones because of the aberrant, the criminal—I use the word "criminal" and I'll come back to that—behaviour of individuals in this society who had challenges too great to handle by themselves.

I heard Brian Smith's widow say—she calls herself his widow so I will use that term—in a moment I'll never forget, that she now believes that the deathbed promise she made to her late husband has been kept, because something good has come from his tragic demise. You recall that Brian Smith, who was a well-known pro-

fessional athlete and sportscaster, tragically had his life cut short by an individual who had the sorts of mental challenges that we're talking about this evening.

That happened on August 2, 1995. The individual in question who took Mr Smith's life had a history of this sort of behaviour and in fact a history of violent behaviour directed against members of the media. An inquest took place, and at the end of the inquest it was quite clear, after considering the jury's recommendations, that the system that was in place simply wasn't good enough. It wasn't there for Alana, it wasn't there for Brian, it wasn't there for our society, and changes were necessary. That was very moving.

It was also very moving to hear the Antidormis. I know the parliamentary assistant knows this story and I'm sure that others do as well. A young man by the name of Zach Antidormi lived on Hamilton Mountain and about three years ago, when he was out with a neighbour, I think he was in a wagon in his neighbourhood in a laneway, he was repeatedly stabbed, to his death, by an individual who had similar challenges. His life ended violently, tragically, abruptly, prematurely. I saw his parents, and as is the case whenever one loses a child, the scars are still there. The wounds are still open. They came forward, as did Alana Kainz, to talk about how they supported this legislation, to try to make some sense of the tragic losses they had experienced—different parts of the province, different years, victims of different ages, but they had that in common. We call this, of course, Brian's Law.

Before I get into the other category of people I believe this legislation is intended to assist and will assist, I'd like to talk a little bit about one aspect of this bill that, if we were to name amendments—and I know we don't do that—I suggest would most appropriately be named the Antidormi amendment.

It's section 17 of the proposed legislation. It's a provision that removes the word "observed," or "observation" in various forms, from the predecessor legislation. It's a provision that says that a police officer who has reasonable and probable grounds to believe that an individual is going to take part in disorderly conduct, for want of a better term, but that's the term that over the years has developed—it's a provision that allows that police officer to take action to prevent the sort of tragedies we've talked about this evening and I talked about a moment ago. It's a provision that hopefully will allow individuals like the one who took Zachary Antidormi's life to be removed before they can do that. In the predecessor legislation, the current law, the law that would continue if this amendment didn't pass, an officer must actually observe this sort of aberrant behaviour, this disorderly conduct, or must base their ultimate conclusion upon their observations. Of course, to actually observe takes an inordinate amount of time, good fortune—or bad fortune, as one may describe it—and really imposes an impediment of threshold that is difficult to get over.

I'm very pleased to support this legislation, and I want to specifically mention that this section should be con-

sidered henceforth, in my respectful opinion, when one considers Zachary Antidormi and vice versa, so some good will come from that terrible tragedy. That is my hope.

I spoke at the outset about the fact that there are others, two categories, two perspectives, that must be considered when assessing this legislation and when taking the bold step that we are, I hope, about to take of limiting or restricting the rights of individuals within this society. The other individuals are the very individuals whose rights will be limited, whose rights will be restricted, whose liberty, whose freedom, at least to a degree, will not exist in the manner and to the extent that we all expect an individual should have.

I found it interesting, hearing the perspective of the various speakers this evening. Everybody who stood up to date has talked about personal experiences. Unfortunately, I too come to this debate with personal experiences. I have a nephew who has suffered with some of these challenges for most of the past decade and a half and who has had more than his share of problems. I don't want to suggest that this legislation, when passed, if passed, is a panacea, a quick fix for him and for the others in this province, but I do want to say it's a step in the right direction. It's a step in the right direction because it will make it easier for that individual and for the other individuals we've talked about this evening, and for those we haven't referred to directly, to help themselves.

2110

As an example—and there are numerous ways of the system essentially kicking in and coming into play—once an individual is put in a position where they are to be assessed by a psychiatrist, they won't be released unless certain things have occurred. They won't be released unless there's an agreement between that health care professional in charge of the treatment and the individual challenged, or their surrogate where they don't have the capacity to make that decision—they won't be released until there's an agreement that they're going to follow a treatment plan in the community. Let there be no mistake, there must be checks and balances and resources available to make sure that they do indeed follow that treatment plan. It's essential that we have a mechanism in place so these individuals can help themselves.

I was in my constituency office last Friday, as I guess many of us were. I was visited by a representative of the schizophrenia society. I was visited by two family members who came with this advocate. They came because they had a concern that I wasn't going to support this legislation. I shared with them some of my own personal experiences, because we all draw on our own life experiences to try to make reasoned and appropriate decisions in this assembly. I shared with them some of those experiences and they understood that I would support this legislation. They want the legislation to pass.

Without mentioning names and revealing the identity of these individuals, let me tell you about their experiences of late with the current legislation, legislation that we say must be changed. They have a son. I should tell

you I was visited by a mother and a brother of a young man who is challenged. They came to talk about what the last couple of years have been like. They talked about form 1 and they talked about form 2 and they talked about 72 hours. They talked about their frustrations about getting the brother, the son, treatment, getting him into the right facility only to see him take the medication in a supervised fashion and see him released.

Most recently, this young man who was the subject matter of our discussion was released and left with another patient, a young woman. Together they travelled across North America, wreaking havoc, causing damage not only to their families but also to property. As an aside, they talked about the fact that the family car is still out somewhere in British Columbia. They don't have the resources to reclaim it, to get it back. It's still there. Perhaps more important is the human cost, the anguish that this mother and this brother felt. In response to a question about how the individual in question was doing, they told me very clearly that he's doing well now because he's taking his medication. It really is that simple in some cases. In some cases, it is not.

It is of the utmost importance in my mind that we pass this legislation. It's equally important to me that resources be in place. Programs have been established to some degree. I've talked to the Minister of Health, and I know she appreciates that some expansion is clearly going to be necessary. It's essential that we continue to monitor to make sure that set of resources is in place. And it's very important that we come back to this issue, that we revisit it to make sure we did get it right. I don't think you're ever going to get a piece of legislation of this sort, this complicated, perfect.

In my closing moments, let me talk a little bit about the fact that there are some out there who oppose this legislation. They oppose it, in my view, for the right reasons. I happen to think they are wrong to try to stop this legislation from going forward but they are opposing it for the right reasons. In many instances they oppose it because of the experiences they have had in society, experiences they've had where they may have been held at a particular institution in the past because of inaccurate diagnoses. But I suggest to you that the occasions where that occurs are relatively—I want to emphasize relatively—small. They're tragic when they occur but relatively small, and the number of people who can be assisted with the passage of this legislation, and having the resources in place to back it up, is much larger. I talked at the outset about balancing, and it's yet another balancing act that we must consider when we deal with this very serious issue.

I also have heard from critics a concern about abuse or misuse by individuals, and particularly, on occasion, by the police. There should be no doubt we have modified and made it somewhat easier for a law enforcement officer to start the process rolling, to ensure that an assessment is conducted. There is no doubt we have done that. But I would refer you to a study that came out of the University of Toronto criminology department recently

that talked about the infinitesimal number of times that police officers have abused these privileges where they have existed in other jurisdictions. I say to you that in the vast majority of instances, police officers want the tools to help themselves, they want the tools to help families—because this is very much about families, as I've said on numerous occasions—and they want the tools to help the individuals who have these great challenges.

I have the utmost confidence that police officers, who will still, as is the case with many aspects of the law, be obliged to consider reasonable and probable grounds—it's not a hunch, it's not a whim; it's "reasonable and probable grounds." They will still be obliged to consider those words and what are thousands and thousands of cases over the years that have been decided by the courts of this land, and in fact have been decided throughout the Commonwealth, to interpret those words to protect the rights of individuals and at the same time ensure that the rights of society and the safety of society remain a priority.

I say yet again, I know this legislation isn't going to cure all the problems in this very complicated matter, but I do think it is a very significant and meaningful step in the right direction and I will be voting in favour of it.

Mr Mario Sergio (York West): I am delighted to take two minutes at this particular time of the day. It was a pleasure listening to the various members on both sides of the House. I am delighted to have heard the experience and the knowledge which they brought to the House, being mostly the members who are sitting on the committee. Of course it is evident that what we heard tonight shows the input they have received during the various hearings.

As various members, and especially the member from Renfrew, were saying, this goes back many years. This is an issue that has been dogging the various levels of government for many years, and I think it's about time that we get down to business and deal with this particular matter.

There are times when the government introduces legislation that is very hard to support. This is one of those occasions when we are saying, "Let's do it; it's about time." The needs are definitely there, and it's not only the client who is suffering; it's the family members as well. I would say, let's get on with it. Let's approve of something now when members on both sides of the House favour it, but I would say, let's attach the proper responsibility, the proper funding, and let's move on with it. I think we owe it to those people.

I know that some members from outside the GTA area, when they drive into the city, see some of those people and wonder why they are there. I think we need the support, we need that balance, and we need the funding. They deserve it. We owe it to them, so let's hope that this will see speedy approval and we can all be happy with it.

2120

Mr Bisson: I listened to the member opposite make his comments and I have taken much of what he says to heart.

I just want to say, however, in regard to section 5 of the act having to do with the power of the police to take somebody off the streets and require treatment, the wording of the legislation talks about a person who "is acting ... in a manner that in a normal person would be disorderly." I think we've got to be really careful about giving that kind of power to police officers. I don't think police officers, quite frankly, want to be put in that position. I look at my colleague across the way who served some time in the police force, and I can't believe he would want to be in the position of having to make those calls.

I just repeat what I said earlier in the debate, which is that I think all sides of the House recognize that we need to try to find some way to serve those people who don't have support services around them, family or whatever it might be, and to be able to free the situation and to provide treatment so that they are not a danger to themselves or others. But I don't want to put police officers in the position of having to make those kinds of calls on their own; pardon the pun. That's why our critic, Frances Lankin—who, by the way, would be here tonight doing her lead, but her mother, as most members of the assembly know, is quite ill, and she has been with her since Friday. Our prayers are with her and her mother, and hopefully things will get better. I know that she has some amendments, along with the Canadian Mental Health Association and the Liberal Party—I should say our amendments, along with the thinking of the Canadian Mental Health Association—to deal with that issue. Most police officers, as the member across the way knows, want to do their job, but they want to make sure they don't put themselves as police officers in a position that might lead them to do something that may take away an individual's rights. That's not where the police want to be, and I think we need to make sure that professionals, who understand this far more than all of us put together, are the ones who are guiding us in regard to who should or should not be affected by these orders.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise here this evening and make a few comments on Bill 68, Brian's Law, particularly the comments made by my colleague from Willowdale, who very eloquently spoke on a number of the issues in Bill 68.

I want to thank our Minister of Health and Long-Term Care, the Honourable Elizabeth Witmer, for bringing this legislation forward. It's very timely and much needed. Also Mr Patten for all his comments, and our PA, Brad Clark, for all the work he's done on it as well, and before him, Dan Newman. I know that Mr Clark went around the province doing consultations before the legislation was even introduced. That was directly following his appointment as PA, and I understand how much work he did on that.

I think what's important about Bill C-68—Bill 68; I shouldn't have said C-68—is that when you get thinking about it, it affects a lot of people. First of all, when you look at the legislation, it's maybe not important directly to your family, but as you think about other relatives and friends, other people you meet throughout society, you understand how many people are in fact affected by mental health. We sat in the room in the general government meetings and listened to all the stakeholders, people from each end of the spectrum. We listened to all kinds of organizations, university professors, mental health associations. It was so interesting to hear the comments and then for one time to hear so many positive things from all the members in the House.

Again, I thank you for this opportunity and I'll be supporting this legislation.

Mr Gravelle: I want to compliment the member for Willowdale on his very sensitive remarks, which I think are reflective of all the debate that has taken place in the Legislature this evening. Everybody obviously takes this matter very seriously. There is a long history and there is clearly a need to have mental health reform brought before the Legislature, and I think the timing is right.

The member used the word "agreement" quite frequently in his remarks, in terms of the agreement that needs to be in place with the person who is having the treatment. I would hope the government would be amenable to potentially changing the wording from "community treatment orders" to "community treatment agreements." I think wording is terribly important.

The member for Willowdale also stated something that I think is important to state, which is that this is not going to be a panacea. I think that is very clear. For those who are very keen to see this legislation move forward, one of my concerns is that there has been a sense that this will make an enormous difference in a very short period of time, and as my colleague for Ottawa Centre pointed out, there may be the need for an implementation phase or transition before it goes fully into place. I also think some communities will not have the resources in place to even allow the process to go forward immediately, so that's an important element.

I also make reference to some of the concerns that are being expressed by those who are opposed to it, the psychiatric survivors for one. I think they are concerned that the legislation itself will be used to treat people who

they do not believe need to have these community treatment orders. That is something that we need to be very, very careful about. We know that in the last three or four years, we've seen people with mental illness challenges being put in jail rather than being in psychiatric institutions or getting help. We want to avoid that happening.

Certainly the debate tonight has been one that is fairly rare in the Legislature, unfortunately, but one that has reflected real sensitivity on all parts.

Mr Young: I also want to take this opportunity to thank my colleagues from York West, Timmins-James Bay, Simcoe North and Thunder Bay-Superior North for their comments.

In the moment I have now to speak further about this bill, I thought I would focus on some of the safeguards that are in place for patients. Frankly, we can't spend enough time talking about those safeguards, because they are essential as we proceed forward to try to have balanced rights and try to ensure that individuals and the community are protected.

A number of rights would flow from the designation of a committal order or community treatment order, including: a right of review by the Consent and Capacity Board with appeal to the courts each time a CTO is issued; a right to request additional reviews by the Consent and Capacity Board in the event of a material change whenever that may occur; a right to request a re-examination by the issuing physician to determine if the CTO is still necessary for the person to live in the community; a right of review of findings of incapacity to consent to treatment; a provision for rights and advice, and an entitlement to counsel appointed by the board.

As we proceed forward, and we've talked this evening about amendments that might be necessary, I for one would suggest that we are open to further dialogue about what rights need be in place to protect individuals but also to ensure that our society remains a safe place for individuals and families to live and work in.

With that in mind, I'll take my seat and look forward to the next chapter in what is a complicated but important development in the history of this province.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2129.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
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Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga East / -Est	
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Halton	Chudleigh, Ted (PC)		

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Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
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Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stoney Creek	Clark, Brad (PC)
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Ottawa-Vanier	Boyer, Claudette (L)	Thunder Bay- Superior North / -Nord	Gravelle, Michael (L)
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		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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No. 67A

N° 67A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 6 June 2000

Mardi 6 juin 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 6 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 6 juin 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

COMMUNITY FAIRS

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): Today I would like to take the opportunity to highlight some of the local community fairs held in my riding. Each summer, several communities host their friends, neighbours and visitors to a showcase of local talent, delicious cuisine and a festive community atmosphere.

Summer wouldn't be the same without the excitement created by our local fairs. If you can remember when you were a child and you visited the local fair, you enjoyed the goodies, the rides and the displays. These fairs are a great opportunity to witness the community spirit at its best.

In my riding, the fair season kicks off with the Iroquois Summer Festival, July 14 to 16, followed by the Avonmore Fair, July 21 to 23. August 11 to 13 is an especially busy weekend, with both Williamstown Fair, the oldest continuous running fair in Ontario, and the Winchester Dairyfest. August 17 is the weekend of the South Mountain Fair, followed by the other fair in that community, the Chesterville Fair, August 25 to 27. Finally, the summer fair season finishes with the Stormont County Fair held in Newington, September 1 to 4.

These fairs are a great opportunity to see what the community has to offer, and I invite all members of the Legislature to join us.

ANNIVERSARY OF D-DAY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Today is June 6, the 56th anniversary of the D-Day landing in Normandy. On this day in 1944, the men of the Canadian 3rd Division, shoulder to shoulder with two British and two American divisions, assaulted the walls of Hitler's Fortress Europe at a place called Juno Beach. Many were only 17 or 18 years old. Others had been in Britain since 1939 and were having trouble remembering Canada, the country they proudly served.

Ontario sent the Queen's Own Rifles, a proud Toronto regiment with a long history, plus London's First Hussars tank regiment. They fought alongside boys from New

Brunswick, Regina and Winnipeg. The Nazi opposition was so fierce that it would take a month to achieve the objectives set for the first day's advance. We should be amazed at the fortitude and resilience of our troops, a tradition carried on through Holland, Korea, and dozens of United Nations missions to the present day.

All Canadians should be proud and humbled by the heroes of Normandy. Their example reminds us that freedom must be defended or it will be lost. The Canadians of 1944 understood that each citizen bears that heavy responsibility.

Today, on this 56th anniversary of D-Day, we salute their accomplishment and mourn the 5,479 Canadian troops who died in the battle for Normandy. The veterans and the dead of Normandy have our utmost gratitude.

IMMIGRANTS

Mr Tony Ruprecht (Davenport): In Ontario we have a tremendous advantage because literally thousands of educated immigrants arrive here, but unfortunately this government is doing nothing to welcome these immigrants or help them integrate their skills into Ontario's economy. For example, in 1997 the Harris government closed all Ontario welcome houses; in 1998 they cut funding for international languages.

Today Dalton McGuinty and the Liberals have made a commitment. Our commitment is that we will try to do whatever we can to help immigrants find jobs. We will do whatever we can to welcome them to Ontario to contribute to the economy. We will do whatever we can so that they can enter their professional lives fully.

We're now getting phone calls since we made that commitment, and immigrants are telling us that they're forced to be taxi drivers, pizza delivery people and restaurant cleaners, because they cannot enter their professions. They're being promised, outside our embassies, that when they come to Canada they can enter professional life. When they come here they find it's a different ballgame.

Today we're asking the Harris government to open the door and to open their eyes to this iniquitous situation. Immigrants deserve, especially when they have education, to enter professional lives.

AMYOTROPHIC LATERAL SCLEROSIS

Mr David Tilson (Dufferin-Peel-Wellington-Grey): In my community, amyotrophic lateral sclerosis volun-

teers will be selling cornflowers this Saturday and hosting a barbecue at the Orangeville Mall. This past weekend, walks for ALS in Alliston and Smiths Falls raised almost \$20,000. When an ALS volunteer approaches you this weekend, please make a generous donation to the ALS Society so that the dream of finding a cure soon becomes a reality.

Imagine not being able to walk, write, smile, talk, eat and eventually even breathe on your own, and yet your mind and senses remain unaffected. This is what having ALS is like for over 3,000 Canadians who suffer from this disease.

It can strike anyone and results in complete paralysis and death, generally within two to three years of diagnosis. Two to three Canadians die every day from ALS, which is also known as Lou Gehrig's disease. A number of years ago, my own father succumbed to this disease. As a result, I personally know the pain a person with ALS and their family go through as they deal with ALS. Although promising research studies are being conducted, there is still no known cure.

Across Ontario, and in fact Canada, June is ALS Awareness Month. Throughout the month, volunteers will be canvassing in malls and public areas to raise funds to fight this devastating disease. All funds raised will be spent on ALS scientific research. If you can, buy a cornflower for ALS.

PELEE ISLAND

Mr Bruce Crozier (Essex): After a 36-day ferry strike that virtually crippled its tourist industry, the Pelee community is ready to bounce back and eager to make up for lost time.

Pelee Island is well known for its abundant wildlife and stunning natural scenery. Birders from around the world come to visit what some have dubbed the warbler capital of North America because of the spectacular songbird migration.

Vineyards on the island produce award-winning wines recognized for their quality nationally and abroad.

Accommodations are many and varied, ranging from campgrounds for those who like to rough it to cottages fully equipped with all the amenities, and from bed-and-breakfasts to hotels, motels and inns. As you can see, Pelee Island has something to offer for everyone.

Pelee Island was the winner of the 1999 Attractions Ontario Outdoor Award, and with good reason. It offers a wonderful and wide-ranging outdoor experience with all the comforts of home and it's in our own backyard.

To the people, businesses and workers of Pelee Island, thank you for your perseverance, patience, understanding and support during the service interruption. The people of Pelee Island are a hardy group, and now Pelee Island is back in business and waiting to welcome you.

1340

CAMPING

Mr Gilles Bisson (Timmins-James Bay): I want to bring to the attention of this Legislature probably one of the stupidest things I've seen this government do in the last six years. Can you imagine that this government has decided, by way of policies of the Ministry of Natural Resources, to limit camping with camper-trailers and tents to 21 days cumulative on crown land in northern Ontario? There's lots of land in northern Ontario, as we well know, and the government doesn't need to put a policy that basically says if I own a trailer I can only camp on crown land for 21 days. All this policy is doing, quite frankly, is trying to force people off of crown land and into paid parks. I think this policy is wrong and it's going completely in the wrong direction.

Let me tell you what happened this last week. An agent of the Ministry of Natural Resources went to notify a camper that they had exceeded the 21-day limit. The camper agreed that they had done so and said, "I will move my trailer on Monday." What ended up happening? To make sure that the trailer had been properly marked, the MNR staff grabbed a spray bomb and painted the bumper of the trailer by way of marking it to be evicted from the crown land. This is nuts.

First of all, I call on the government to compensate those people who have had their trailers painted, and second, I call on this government to use a bit of common sense and allow people to camp on crown land. There's lots of it out there. I'm sure we can come up with a balanced policy.

LEADER OF THE OPPOSITION

Mr Garfield Dunlop (Simcoe North): From time to time, we in public life need to remind ourselves what the term "public" means. Oxford describes it as "open to or shared by all the people" and "provided by or concerning local or central government." The Leader of the Opposition showed that he does not understand the meaning of the word "public" when his personal staff prevented my assistant from observing a round table discussion he held with local mayors in my riding on May 26. Mr McGuinty's personal staff ejected my representative from the event, even though Mr McGuinty's itinerary clearly indicated that the media were welcome. If anything that was said at the round table could be reported by the media to the public at large, what did Mr McGuinty have to fear from those same remarks being reported to an MPP? Do I sense a lack of courage?

I wrote to Mr McGuinty last week, asking him to apologize for barring my staff member from the session. But as the *Orillia Packet* and *Times* reported last Friday, he and his office continue to stonewall and are unrepentant.

The latest development merely confirms my impression of the incident, and the way Mr McGuinty's spin

doctors staged the round table. They attempted to create the illusion of a public forum. During his visit, he told each group what they wanted to hear and he promised them everything: tax and spend, tax and spend, tax and spend. Some things never ever change around here.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I would ask for unanimous consent to allow the Leader of the Opposition to give his apologies to the member now.

The Speaker (Hon Gary Carr): Unanimous consent? I heard a no.

ONTARIO DISABILITY SUPPORT PROGRAM

Mrs Marie Bountrogianni (Hamilton Mountain): One of my constituents, Ms Kim Clemens, recently came to my office with a valid concern regarding the education of her two eldest sons. Ms Clemens is a single mother of four sons and is a recipient under the Ontario disability support plan. Ms Clemens has instilled a very staunch work ethic in her children, and for this reason her two eldest sons are working their way through university. They're hard-working, dedicated students who are trying to make a better life for themselves.

Both of Ms Clemens's eldest sons are currently living with their mother and, due to their ages, are not being covered under ODSP benefits, but a percentage of their income is being calculated as family income and, due to this fact, their mother's cheque has been drastically reduced. It seems contradictory that a government encourages students to attempt to be more self-sufficient when it comes to the funding of their education and then penalizes those students who are attempting to work their way through school.

I call on the Minister of Community and Social Services to look into this matter and to help those students who are trying to help themselves. It should be possible to exempt work earnings in the same amount if a student can prove that they are attending a recognized post-secondary institution. I would call on the minister to make these changes before the next school term commences in September 2000. It is in the best interests of both the students and the government to rectify the problem and allow these students to obtain their education without making their disabled parents suffer.

It is within the power of the government to change this injustice. I call upon the minister and the government to help those who are trying to help themselves.

ROTARY CHESHIRE HOMES

Mr David Young (Willowdale): What would you do if you could neither see nor hear? This is a startling and in many respects incomprehensible question for most of us. It is a stark reality for 3,000 Canadians who are deaf and blind and living in our communities.

Deaf-blindness is a unique disability that incorporates the dual sensory loss of both vision and hearing. Persons

with this disability experience extreme isolation and the inability to access information that we take for granted.

Those living with deaf-blindness interact with the world through an intervener, a professional who acts as their eyes and who acts as their ears.

The Rotary Cheshire Home for persons with deaf-blindness in my riding of Willowdale is a unique non-profit housing project in Toronto. This home provides barrier-free housing for 16 individuals who are deaf-blind and provides intervener services to establish and increase the tenants' integration into the community and their self-sufficiency.

Now in their eighth year of operation, the Rotary Cheshire Homes are considered to be a worldwide model of excellence in the provision of housing and intervener services for people who are deaf-blind.

We are honoured to have with us today in the members' gallery some of the tenants and staff of this superb facility. We have with us Joyce Thompson, who is the executive director; Nancy Longo, intervener services manager; Cindy Babineau, housing manager; Carrie Newcombe, intervener; Catherine Dominie, deaf-blind tenant; Doreen Duffney, deaf-blind tenant; and Michael McHenry. Michael is a deaf-blind person who lives in the community and is very active both in the Rotary Cheshire house and beyond.

Notwithstanding the miraculous work of the interveners at Rotary Cheshire and elsewhere, there remains a great deal more to be done.

Today I would like to announce my intention to introduce a private member's bill which would proclaim the month of June Deaf-Blind Awareness Month in honour of these people.

VISITORS

Mr Michael Bryant (St Paul's): On a point of order, Mr Speaker: We have in the west gallery a former reeve and mayor of Esquimalt, in his day the youngest mayor in Canada. He has the dubious distinction of being the father of the member for St Paul's. I introduce to the House Ray Bryant.

The Speaker (Hon Gary Carr): That is not a point of order but we appreciate when family members visit. Often the House is better behaved when we have family members here.

While we are introducing our guests, we also are pleased to inform all the members that we have visitors from the United States who are participants in the Mid-Western Legislative Exchange. With us today we have Senator Bob Cupp from Ohio, Senator Leigh Herington from Ohio, Senator John Hottinger from Minnesota, Senator JoAnn Johnson from Iowa and Ilene Grossman from the Council of State Governments.

Please join me in welcoming our special guests.

INTRODUCTION OF BILLS

PREMIER AND CABINET ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILITÉ DU PREMIER MINISTRE ET DU CONSEIL DES MINISTRES

Mr Smitherman moved first reading of the following bill:

Bill 85, An Act to restore the tradition of Legislative accountability for the Premier and Cabinet / Projet de loi 85, Loi visant à restaurer la tradition en matière de responsabilité législative du premier ministre et du Conseil des ministres.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members; this will be a five-minute bell.

The division bells rang from 1349 to 1354.

The Speaker: All those in favour of the motion will please rise one at a time.

Ayes

Agostino, Dominic	Crozier, Bruce	McLeod, Lyn
Baird, John R.	Cunningham, Dianne	Munro, Julia
Bartolucci, Rick	Curling, Alvin	Newman, Dan
Beaubien, Marcel	Di Cocco, Caroline	O'Toole, John
Bisson, Gilles	Dombrowsky, Leona	Quellette, Jerry J.
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Ecker, Janet	Patten, Richard
Bradley, James J.	Eves, Ernie L.	Peters, Steve
Brown, Michael A.	Gilchrist, Steve	Phillips, Gerry
Bryant, Michael	Gravelle, Michael	Pupatello, Sandra
Caplan, David	Hoy, Pat	Ramsay, David
Christopherson, David	Hudak, Tim	Ruprecht, Tony
Chudleigh, Ted	Kwinter, Monte	Smitherman, George
Churley, Marilyn	Lalonde, Jean-Marc	Stockwell, Chris
Cleary, John C.	Lankin, Frances	Tilson, David
Clement, Tony	Levac, David	Wilson, Jim
Coburn, Brian	Martel, Shelley	Wood, Bob
Conway, Sean G.	Mazzilli, Frank	
Cordiano, Joseph	McGuinty, Dalton	

Interjections.

The Speaker: Order. All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Dunlop, Garfield	Kells, Morley	Tascona, Joseph N.
Gill, Raminder	Runciman, Robert W.	Turnbull, David
Hardeman, Ernie	Spina, Joseph	Young, David
Hodgson, Chris	Stewart, R. Gary	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 55; the nays are 11.

The Speaker: I declare the motion carried.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I think there was a bit of confusion, obviously, as we went through this vote. I do believe the member for Dufferin-Peel voted twice: once on one side and once on the other, if you can check.

The Speaker: I thank the member for that.

Interjections.

The Speaker: Order, so I can clarify it for the member. The member did stand twice. Just so they know, he was recorded as voting aye. Because he did stand for the aye vote, he was recorded as voting aye, the first time he voted. But I thank the member for pointing that out.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: There was in fact some confusion in this place, and I'll tell you why. There was absolutely no notice given about the contents of this bill. In future—

The Speaker: That's not a point of order. I thank the member.

Interjections.

The Speaker: Order. It's not a point of order.

The member for a short statement on the bill is where we are at, I believe.

Mr George Smitherman (Toronto Centre-Rosedale): I'm not sure why there's such an uproar. It's rather an innocuous bill. It adds a new section, 3.1, to the Executive Council Act. Under the new section, if at the end of a session of the Legislature a minister of the crown, including the Premier, has not attended 60% of the oral question periods held during the session, \$100 must be deducted from the minister's salary for each occasion by which his or her attendance fell short of 60%.

1400

ORAL QUESTIONS

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question today, in the continuing absence of the Premier, is to the Minister of the Environment.

Interjections.

The Speaker (Hon Gary Carr): Member, take a seat. Stop the clock.

Interjections.

The Speaker: Order. I thank the government members. Thank you very much for your help.

Members can't continue to do this. The standing orders are very clear where you cannot speak about the attendance here. What will happen when you do that, and I remind all members, is this afternoon when some member is not here, we'll have the other side do the same thing and it never ends. I would ask all members' co-operation in this. The leader of the official opposition knows that's not supposed to be done, and I would ask

him to take that into consideration in the future. We have—

Interjections.

The Speaker: Order. The member for Windsor West, the member for Hamilton East, and the minister with responsibility for seniors, come to order, please.

Interjections.

The Speaker: Members will know we have an hour for question period. We've had our fun on a couple of bills; it's now time to get down to business. The leader of the official opposition.

Mr McGuinty: My question is to the Minister of the Environment. Minister, can you now assure us, the people of the province of Ontario, can you guarantee us unequivocally, that everywhere in our province today our water is safe to drink?

Hon Dan Newman (Minister of the Environment): As I've indicated, Ontario's drinking water is 99.98% meeting the health objectives of the Ontario Drinking Water Objectives. I can tell you that that is the number in this province.

Mr McGuinty: I will take that answer to mean no, you cannot provide us with that assurance and you cannot provide us with that guarantee. Why is it then that your government is still spending its time, in light of that fact, trying to clean up your image instead of trying to clean up our water? Because yesterday and this morning, that's exactly what your Premier spent his time doing. This is what the headline says:

"Walkerton Won't End My Career: Harris

"I plan to be around for several elections."

Minister, here's a message from me through you to your boss on behalf of the people of Ontario: It's not about Mike Harris. It's not about his career. It's not about how many elections he plans to run in.

Interjections.

The Speaker: The member will take a seat. Order. I've said on a number of occasions I need to hear the questions. We started off with yelling and screaming, which means I'm going to have to start warning people right off the bat. We can't continue when I can't hear the questions being asked with all sides hooting and hollering. I would appreciate your co-operation. Sorry for the interruption to the leader of the official opposition.

Mr McGuinty: To repeat, Minister, it's not about Mike Harris. It's not about his career. It's not about how many damned elections he plans to run in in the future. It's about life and death. People in this province, like people everywhere, need water to live. There is some water in this province that killed people. That's the issue.

I'm asking you on behalf of those people in that community and I'm asking on behalf of the people throughout Ontario, why is it that your guy, your boss, is spending time on some kind of a public image rehabilitation exercise when he should be focusing on cleaning up our water?

Hon Mr Newman: I can tell you that the Premier of this province and myself as the environment minister place the environment in the highest priority of this gov-

ernment. It's important that our water be protected in our province, not only our drinking water—

Interjections.

The Speaker: Member, take his seat. Members will come to order. The member for Windsor West, this is her last warning. She was shouting across. We can't have it. You were the one that was shouting across. You've got a last warning.

Now the member for Windsor-St Clair on a point of order.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, the member for Windsor West has not said anything.

The Speaker: With all due respect to the member, I am the one who is charged with keeping control in here, and there were situations where people were yelling. Quite frankly, I say to the member, I could have warned her at the beginning of this for her shouting across at that period of time. It's my decision to look at and warn people, and I'm going to warn people, and I'm going to name them. As I said before, it doesn't matter to me if we've got five members in here or 55 members, my duty is to maintain control. We are obviously starting off on a very, very controversial issue again. As I said to the members before, I have one responsibility: That responsibility is to maintain order in here and I will do that, even if it means all the members are asked to leave.

The Minister of the Environment, I believe, is where we were.

Hon Mr Newman: In response to the Leader of the Opposition's statement, we do place a high priority on water in this province, we do place a high priority on the air we breathe, and we do place a high priority on the land. In fact, with respect to Walkerton, I can tell you that the government of Ontario has opened an office in Walkerton to assist the people of Walkerton. There has been \$100,000 in seed money to date to help the people of Walkerton. The office is there, it's part of the resource centre that's been set up by the municipality, and people from Walkerton are able to go there and have their questions answered. I know there are representatives there from many ministries, and the Ministry of the Environment is included in those ministries, to answer the questions on behalf of the people.

Mr McGuinty: Minister, I want to come back to the issue at hand—and by the way, we know where you place the environment when it comes to a priority here in Ontario. You cut the budget by more than 40%. You let go one third of the staff. You stopped testing for E coli in Ontario. That's what you think of the budget. That's what you think of the safety of our water. Tell me again: What kind of perverse thinking, what kind of perverse motivation dictates that your Premier, your boss, in the face of seven deaths, something unprecedented in the history of this province, chose to make as his priority—

Interjections.

The Speaker: Member, take his seat. The minister—please come to order. It works for both sides, with the

yelling and screaming on both sides. Sorry for the interruption to the leader of the official opposition.

Mr McGuinty: Speaker, I've got to tell you that when you stand up and interrupt me like that, it is very, very disconcerting. I would prefer—

Interjections.

Mr McGuinty: I would prefer to put up with the heckling so that I can continue my question to the minister.

Minister, tell me, why is it that your boss, the Premier, in the face of this unprecedented calamity when it comes to the safety of our water in Ontario, is out there running a PR spin? Why is he not acting in the interests of all Ontarians but especially in the interests of the people of Walkerton, assuming his responsibility, not cleaning up his image but instead cleaning up our water?

Hon Mr Newman: It's quite unbelievable hearing that statement from the Leader of the Opposition. He makes simply outrageous statements to say that E coli is not tested in this province. He may be referring to the drinking water surveillance program, where water tests are done two to six times per year, and E coli being tested in that. Municipalities and public utilities in this province test always for E coli. That's what they do, and to hear the Leader of the Opposition say it's not proves that he just doesn't get it. He talks about our Premier. Our Premier is showing strong leadership in this issue, as he has on all issues. He's shown far more leadership than the Leader of the Opposition has.

1410

The Speaker: New question, leader of the official opposition.

Mr McGuinty: I'm going to do something that I'm sure the Premier won't do in the weeks ahead: I'm going to stick with the environment minister.

Minister, I'm going to give you a chance now to show us all what you are truly made of. The minister's PR campaign involves blaming everybody but himself. At first he blamed the NDP, the previous government. Then he trotted out the old human error theory. Now he's blaming Walkerton itself. Your Premier said, "Too many communities, including Walkerton, let critical systems slide while they spent money on projects such as new community centres."

Minister, Walkerton built its community centre 30 years ago. Show me that you've got the courage, you've got the guts, you've got the gumption here today to reject your Premier's pathetic attempt to blame others instead of accepting responsibility for himself and his government.

Hon Mr Newman: No one is blaming anyone. I think we've got to be very clear about that. The member opposite ought to know that there are several investigations underway with respect to the tragic situation in Walkerton. There's the OPP investigation, there's the investigation from the Ministry of the Environment through the investigations and enforcement branch and there's the independent coroner's inquest, as well as the inquiry that's been called. Everyone wants to get to the bottom of

this. Everyone wants answers. The people of Walkerton want answers; the people of Ontario want answers.

Mr McGuinty: The first step towards recovery is to admit and take responsibility. That's what this is all about. We're never going to get to the bottom of this unless you own up to your contribution to this mess. Your Premier, your government, stuck municipalities with a \$1-billion bill. You downloaded everything from roads and bridges to social housing, ambulances and public transit. And you downloaded water testing. You told municipalities that was now their responsibility. They had to come up with the money; they had to find a private sector firm to do that testing for them. Then you fired the provincial inspectors.

Your boss, the Premier, yesterday had the gall to foist blame for the Walkerton tragedy on to our municipalities. He has not only downloaded responsibility for a variety of services, now he wants to download responsibility for the Walkerton tragedy on to our municipal partners. On behalf of all those municipalities, I say to you, Minister, will you today stand up in this House and apologize to those people working so hard in our municipalities, trying to withstand all of the stuff that you're downloading on to them on a regular basis?

Hon Mr Newman: I will not apologize for putting safe drinking water as a priority for the people of Ontario. Quite frankly, I think everyone in Ontario who serves in government, whether it be at the municipal level, the provincial level or the federal level, ought to put safe drinking water as their number one priority. It should go ahead of community centres, it should go ahead of arenas and it should go ahead of libraries, because the health and safety of the people of Ontario is far too important.

Mr McGuinty: I'm not sure I've seen any minister at any time in this Legislature display more nerve than this minister who just told us that he stands for safe drinking water in Ontario. On his watch so far, seven Ontarians have died. That's the bottom line. This is life and death. At some point in time, somebody over there is going to have to stand up and take some responsibility for what's happening when it comes to our drinking water in Ontario.

People in Walkerton are looking to you today for some help. We put forward an emergency safe water plan. We begged you to come up with some compensation. You put forward a measly, paltry, insulting, pathetic \$100,000. That works out to less than \$20 for every resident in the community of Walkerton.

Minister, will you now understand that this kind of PR, this kind of spin, is not in the interests of the people of Walkerton? It's not in the interests of the people of Ontario. What they want you to do is to begin to take responsibility for your contribution to this problem and to start acting in a responsible way to clean up their water.

Hon Mr Newman: This government has always acted in a responsible manner. In fact, when I hear the Leader of the Opposition, he's already reached his conclusions. He's already come to his conclusions from his investi-

gation. But the important thing is, there are four investigations underway in this province right now to get to the bottom of the matter in Walkerton. As I mentioned, there's the Ministry of the Environment investigation, the OPP investigation, the coroner's inquest and of course the public inquiry.

We have been there for the people of Walkerton. We've opened an office in Walkerton so that people can come forward who may have questions that they want answers to, who may require some sort of financial assistance, who have been affected as a result of this tragedy. That \$100,000 is the beginning. That's money we've put up so that the people of Walkerton can have some access to start to rebuild their lives.

The Speaker: New question.

Ms Marilyn Churley (Broadview-Greenwood): To the Minister of the Environment: People are shocked that your Premier and now your House leader have once again stooped to blaming municipalities for the Walkerton crisis.

Let me set the record straight here on the provincial water protection fund you keep talking about. As you know, it doesn't even allow a municipality to get money until after they've had a consistent failure to meet water quality objectives. In fact, municipalities have already, through the Federation of Canadian Municipalities, been asking for a federal infrastructure program because yours is not good enough. If your government thinks that municipalities should spend more money on water and sewer projects, put money into a dedicated fund for sewer and water projects so municipalities don't have to make choices between safe water and community centres.

Minister, will you reverse your decision to cancel this program? Will you allow municipalities funding before people get sick, and will you restore proper funding levels to this program?

Hon Mr Newman: I think it's important to look at the facts in this issue. The provincial water protection fund was a \$200-million fund that was set up in this province. Originally, the fund was to be over three years so that municipalities had an opportunity to access that money to make improvements to their water treatment facilities or to their sewage treatment facilities in the province.

What this government did was to accelerate that money so that it was made available to municipalities over a two-year period because it was a priority. We said, "Let's get that money to municipalities in a more expeditious manner." In fact, since 1994-95 in this province over 2.5 billion in infrastructure program dollars have come through the municipal level of government, the provincial level of government and the federal level of government, because all three levels of government realized that safe drinking water is a priority for the people of Ontario.

Ms Churley: Minister, I am trying to point out to you, and you don't seem to be getting it, that your government is planning to completely get rid of that program next year. Furthermore, you made the criteria so tight that many municipalities couldn't apply because they

couldn't meet your strict criteria. You must commit to keeping that fund going.

Yesterday my leader asked you to send in emergency personnel to help with the door-to-door inspections so that people won't have to wait eight weeks or more to turn on the taps. Today we were shocked to learn that Ottawa made a direct offer to your government to send in personnel and you turned them down. This is absolutely unbelievable. People are going to have to wait eight weeks because there aren't enough personnel to do inspections door to door. We've called on you to bring in experts from across the country, if necessary. You had an offer from the federal government and you turned them down. What in the world is going on here? Will you explain to the people of Walkerton why you turned down an offer for extra help that could enable them to turn on their taps more quickly?

Hon Mr Newman: It is unbelievable, because it's not true. In fact the federal government was there on the scene. They had epidemiologists in Walkerton. I believe the federal government also had other representatives there in the beginning, from Health and Welfare Canada, to inspect water. This would have been approximately two weeks ago. We did not turn down any help from anyone in regard to the situation in Walkerton.

1420

Ms Churley: Then, Minister, I hope you're saying that you will take up our suggestion to bring in experts from across the country, if necessary, and that you will indeed bring in this offer from the federal government for help.

Minister, you weren't there but I was at a press conference today. A number of environmental experts came to talk about the need for safe drinking water legislation. They also said that your proposed regulations would not prevent another Walkerton. A key feature would be legislated regular testing for municipal water systems, with results made public immediately, which is something we've been calling for. What you're doing is telling citizens to go to a Web site to look at three-year-old data on a list that doesn't even include most communities. I will be introducing such a law and I will look forward to your support, but citizens need this testing information today. I ask you again—I've been asking you for over a week—will you release that information today?

Hon Mr Newman: There are results from the drinking water surveillance program on the ministry Web site. I've indicated that to the member opposite. She says they're 1997 data. Well, they are 1997 data. Last week the opposition parties were talking about the CEC report and seemed to quote from that, and that was based on 1997 data. It seemed then that it was fine to quote from 1997 data, but not in this case. I'm not sure exactly where they're coming from on this one.

It's important to note that the proposed regulations I spoke about a week ago Monday are still being drafted. I said they'd be ready within two weeks. We're now at about the eight-day mark. We have a few more days to

go. Ministry staff are still fine-tuning and refining the regulations I intend to bring forward, and I will work very quickly to ensure that receives passage in cabinet.

MEDICAL OFFICERS OF HEALTH

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Health. In the wake of the tragedy at Walkerton there certainly have been a number of heroes—family members caring for ill loved ones; neighbours taking care of each other—and I think for most Ontarians one name stands out as a hero in this tragedy. That's the medical officer of health, Dr Murray McQuigge. Without Dr McQuigge, more people would have died; the tragedy that is would have been exponential in its reach. I think it's as horrifyingly simple as that.

Minister, under your watch there are seven regions in this province that have no full-time medical officer of health. In fact, four of them have no medical officer of health at all. For the past two to three years people in areas like Oxford, Lambton, Kent-Chatham, Elgin-St Thomas, Haldimand-Norfolk and Huron must have been at risk, and they have to be at risk, because without a medical officer of health there is no one to report to when an incident like this comes forward and there's no one to take action.

I know you're aware of this. I know your ministry has been aware of it. But, Minister, there's a law that says municipalities must have a medical officer of health. What are you doing to enforce that law?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would certainly agree; we need to congratulate Dr McQuigge on the leadership he has undertaken. As the member probably also knows, the chief medical officer of health for the province of Ontario, Dr D'Cunha, has been working very closely with Dr McQuigge and others in the community in order to ensure that the support and the resources are provided to the Walkerton community. As she probably also knows, we have indicated that whatever human resources and financial resources need to be made available will occur. In fact, we did make available to Walkerton another medical officer of health to assist in order to ensure that there was appropriate support and leadership.

I would also say to the member that we do know that throughout the communities in Ontario there is a need for medical officers of health, and all the appropriate steps are being taken in order to ensure that each community in this province does have a medical officer of health.

Ms Lankin: What do you mean, "All the steps are being taken"? For two to three years, 643,000 people have lived without a full-time medical officer of health. In some of those regions they're sharing medical officers. They've decided to do that because they are cash-strapped and they say because this was downloaded on them they're cutting corners and this is how they're going forward.

The law says there must be a medical officer of health. The president of the Association of Local Public Health Agencies has said clearly that sharing a medical officer of health is like having a babysitter instead of a parent. You need to have someone there on the job. Four of those regions have no one at all. They're all around the Walkerton area; they're all in the area of the most intensive agricultural farming; they're all in an area at risk of this kind of contamination of their groundwater and other public health issues.

Minister, there's a law. There is nothing to do to "try" to get the municipalities to hire; there's simply a matter of you doing your job to enforce the law. Will you commit today to take emergency measures and put a full-time medical officer of health in every region of this province to protect the health of all of our citizens?

Hon Mrs Witmer: We have already taken those steps. As the member knows as well, we have not downloaded the delivery of public health services in this province. Local municipalities have always had the responsibility. Yes, I can assure the member that those steps have already been taken.

AIR AND WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): I'd like to return to the Minister of the Environment. Let's take a look at some of the facts here when it comes to what our air and our water are doing to Ontarians today. Child asthma rates in Ontario are going through the roof as a result of breathing air that is making our kids sick. Every year, 1,800 people in Ontario die from air pollution. Every year, 25,000 people in Ontario die from cancer. Ontario's cancer rate is rising by about 3% every year. If you don't think, by the way, Minister, that those are environmental issues, then you don't deserve to even visit the environment minister's office, let alone be the minister.

Our air and our water are killing Ontarians. In the meantime, the funding for your ministry is at its lowest level since 1971. At the time of the last budget, when the Premier came and knocked on your door and said, "I need \$4 billion in tax cuts for corporations; I need to take some more money from your ministry," you rolled over. You said, "Take whatever you need."

I'm asking you now to tell me in a way that I can understand, in a way that all Ontarians can understand, why is it that you pretend that the Ministry of the Environment is a real priority for you and your government?

Hon Dan Newman (Minister of the Environment): Environment is indeed a priority for this government and a priority for me as the Minister of the Environment. We take air quality, water quality and the quality of our land very seriously in the ministry. I can tell you that with respect to air quality there are many positive measures this government has brought forward, such as the Drive Clean program, which is bringing—

Interjections.

Hon Mr Newman: Members opposite laugh about the Drive Clean program and fail to acknowledge the positive effect it has had on the environment with respect to reducing air emissions from vehicles in our province. They're in denial about that.

They fail to recognize that I placed a moratorium on the sale of all coal-fired generation plants in this province. They fail to acknowledge that we have an anti-smog action plan involving over 50 partners, all working together in industry, in government and through other agencies as well to ensure that we're reducing smog levels in our province.

1430

Mr McGuinty: I guess I'd better offer my humblest and most sincere apologies to this minister. What we really should be doing then, given the wonderful accomplishments of this government when it comes to the Ministry of the Environment, is awarding them with some kind of certificate for all they've done for Ontarians.

Let's come back to the facts, which are staring you in the face: 1,800 Ontarians are dying every year as a result of breathing bad air that is making them sick. Our emergency wards are being overcrowded by parents who are bringing their kids in suffering from asthma as a result of breathing bad air that is making them sick. Twenty-five thousand Ontarians die every year from cancer. Our cancer rates are going up by 3%. And to top it all off, just a few weeks ago, seven people died in our province as a result of drinking bad water that killed them.

So tell me again now why you and your government should be recognized for their outstanding achievements when it comes to environmental issues in our province.

Hon Mr Newman: Once again I say to the member that this government takes the protection of the environment very seriously. We've brought forward many programs, as I mentioned: the anti-smog action plan; the Drive Clean program; in fact, a new regulation that requires all generators of electricity in Ontario to not only monitor but publicly report their emission levels. This hasn't been done in this province. It's a positive step forward.

The member asks about our government. In June 1999, the people of Ontario rejected your environmental policies, they didn't reject this government's.

WALKERTON TRAGEDY

Mrs Julia Munro (York North): My question is to the Minister of Education. The tragedy that has occurred in Walkerton has been felt across the province. The hearts of my constituents and my own heart go out to the people in the community. I understand that schools in Walkerton are also affected by the situation. I have read that the students from Walkerton will be completing their school year in neighbouring communities. What is this government doing to assist these students to complete their school year?

Hon Janet Ecker (Minister of Education): There's no question that the schools in the Walkerton area have indeed been very affected by the tragedy that has occurred in that community. The staff of the board and the teachers have done an excellent job of ensuring that the curriculum, the teaching, the courses for these students will continue, that their year will not be jeopardized, because this board had put some good plans in place and is continuing to do that. I and my staff have been in touch with the board to make sure we are assisting them in whatever way we can. We'll be providing additional monies to them. For one step, \$300,000 will be going to the boards to assist them in some of the additional costs they are incurring. I am very pleased to say that they have taken very good steps to ensure (1) the children are safe and (2) their education will continue for this year.

Interjections.

Mrs Munro: I am glad to see that this government is providing assistance to school boards as they work to make alternative arrangements for their students. I send my best wishes to the students of Walkerton for their academic success. How will the funding that was announced today help the school board meet those needs?

Hon Mrs Ecker: I find it interesting, in light of what the Leader of the Opposition said earlier, that they would scoff at steps taken to help the schools and the school boards in this community to help make sure that students continue their education and are indeed safe. The additional resources that we are putting forward—as I say, we have been in contact with the boards. Our staff are meeting. If there are additional steps we can take to help them—we are going to help pay the expenses for holding the classes in other facilities and in other communities, transportation costs. In some cases there have been extra tutorials, remediation help, counselling help for the students; also making sure there are adequate supplies and other activities. So there are a number of additional expenses the board has incurred, and we are working with them to ensure their education can continue and they have the resources available to make sure that occurs.

MINISTRY OF THE ENVIRONMENT

Mr James J. Bradley (St Catharines): I have a question for the Minister of the Environment. Minister, here is what your ministry staff are saying about your ministry today. Doug McDougall, an investigations officer with the ministry in Timmins, says:

“‘Since the cuts’”—that’s your over 30% cut in staff and 40% cut in budget—“‘everybody’s been walking around like zombies’ ...”

“‘We’ll never get over it. The whole ministry is in shambles. All you can do is shake your head,’ he said, referring to the 900 jobs cut ...”

“Ambitious civil servants have been told to avoid the environment ministry at all costs. ‘It’s the kiss of death for your career,’ said a senior civil servant in another ministry.”

"Mr McDougall said workers, most of whom initially came to the ministry because they felt passionate about the environment, are beleaguered not only because many of their colleagues have been shown the door, but also because the cuts have run so deep that they feel they can no longer do their jobs ...

"Because sweeping changes were implemented so quickly, many long-time employees worried that the government had not put the appropriate checks and balances in place to ensure that environmental disasters didn't happen.

"There was a collective shudder through the ministry. It was like: 'Oh my God. Do [the Tories] have any idea what they're doing?'" said a former investigator who lost his job during the cuts ..."

All kinds of ministry employees are now saying these things, but there's a cold chill coming over the ministry and that chill is the threat of job loss and of demotion and of lack of promotion if they dare speak out and inform the people of this province what's going on.

Minister, will you guarantee unequivocally to this House today that a witch hunt is not on in your ministry and that you will allow your ministry employees to say to the media and to the public whatever they deem appropriate in the interests of the people of this province?

Hon Dan Newman (Minister of the Environment): The quote that the member opposite raises is not a view that I share and I know it's not a view that the majority of employees in the Ministry of the Environment share. In fact, as I travel the province—and I've had an opportunity to meet many employees of the Ministry of the Environment—I find them to be very committed and very dedicated to the protection of the environment in this province.

I saw that commitment and dedication first hand in Scarborough at the U.S.E. Hickson fire, when ministry staff were there on the scene and throughout the entire incident, and I want to commend them for that. Also in the ministry offices across the province, I can tell you that the employees are very professional, they're very dedicated and they too are committed to the protection of the environment in this province, just as I am.

Mr Bradley: I didn't get an answer. If you look at the chronology in Walkerton, there are a lot of people who could tell us a lot about what happened there and other places but may feel intimidated to do so.

Let me read to you what the Ombudsman said in her report:

"As Ombudsman, I have witnessed the development of what I can only describe as an atmosphere of fear among public servants, where senior officials are afraid to question the wisdom of the government's approach for fear of reprisal or loss of reappointment. As a result, many of the values upon which the public service has historically relied, including the obligation to 'speak truth to power' even when the truth is unwelcome, have been seriously undermined. I have also observed a not unrelated trend as some senior officials become unwilling to admit their inability to deliver adequate service.

Instead they offer reassurances that despite evidence to the contrary, all is well, things are getting better, and improvement is just around the corner."

We have ministry employees and we have the independent Ombudsman of this province both saying that your ministry's hands are tied, that your employees can no longer speak the truth. Will you assure the House—which you didn't do in response to my first question—and the people of this province that you will not put a cover over the ministry and that you will not prohibit the loyal civil servants in the Ministry of the Environment and other ministries from speaking out about the problems that exist in your ministry and others and the dangers to the public in this province?

Hon Mr Newman: I again remind the member that there are four investigations underway with respect to Walkerton. There's the Ministry of the Environment's investigation through the investigations and enforcement branch, there's the public inquiry that has been called, there's the independent OPP investigation that's underway, and of course there is the coroner's inquest.

I can tell you that a week ago Monday in my press conference, I clearly stated that all Ministry of the Environment staff must fully co-operate with any investigation whether it be the public inquiry, the OPP investigation, the coroner's inquest or through the investigations and enforcement branch of the Ministry of the Environment.

The people in the ministry are working very hard to protect the water, air and land on behalf of the people of Ontario.

1440

HYDRO RATES

Mr Bart Maves (Niagara Falls): My question is to the Minister of Energy, Science and Technology. Minister, as you know, in my riding of Niagara Falls the hydro-electric industry is part and parcel of our history. Many companies came to the Niagara riding back in the early 1900s because of low hydro rates and many people in my municipality have come to count on low hydro rates.

The deregulation of the electricity industry in this province was intended to bring in some competition and ultimately reduce hydro rates. However, I have heard that some municipal utilities in Ontario have filed electricity rate applications with the OEB which request rate hikes. My constituents are concerned that this will mean increases to electricity rates. Can you comment on the situation, Minister?

Hon Jim Wilson (Minister of Energy, Science and Technology): I thank my colleague from Niagara Falls for the question.

It is disappointing that some municipalities in the province have asked for more than a 100% increase in their distribution rates in the electricity sector. That's the rate that they charge to get the power to people's homes on the wires that are on poles or buried in the ground in front of your homes and businesses.

The Energy Competition Act of 1998 allowed municipalities to earn a greater rate of return. The act makes it clear, as does the white paper that preceded it, that municipalities are to earn that rate of return; in other words, find the efficiencies. If you want a greater rate of return on your distribution business than you've received in the past, find that through efficiencies. As we say, "Squeeze efficiencies, don't squeeze customers."

Municipalities in this province are free to double or triple property taxes, but they don't do that, so I ask them, why are they doubling and tripling their taxes on the wires in the electricity sector? It's morally wrong and we're not going to tolerate it.

Mr Maves: Minister, it's reassuring to hear that you're on this case and that your interest is to protect consumers. You've outlined what municipal utilities should do to keep rates down for their customers, but what is our own company, Ontario Hydro Services, doing to ensure rates are low?

Hon Mr Wilson: They are leading by example. I, as the shareholders' Minister of Energy on behalf of the people of Ontario, told our own company, Ontario Hydro Services Corp, now called Hydro One, that it has to squeeze efficiencies and not squeeze customers. It therefore has issued two press releases over the last three months indicating that it will not be raising its distribution rates, it will not be raising its transmission rates, that it hasn't had an increase in about six years and it won't for several more years. It's finding efficiencies. As you know, we just had a pension buyout of employees. They're finding efficiencies and earning a good rate of return for the shareholder by squeezing efficiencies.

I also want to commend Whitby Hydro, which had a press conference two weeks ago to indicate that it's going to do what the government is asking. They're not going to rob from Peter to pay Paul; they're not going to rob the electricity system to pad their municipal budgets just prior to a municipal election. They are holding the line on rates, as is Thunder Bay. Thunder Bay has come together in a consortium of about nine utilities. They're holding the rates too. I congratulate those utilities and I congratulate Hydro One for doing a good job and thinking of the customers first.

ENVIRONMENTAL PROTECTION

Ms Marilyn Churley (Broadview-Greenwood): My question is to the Minister of the Environment. When you stand up in this House and say that you and your government take environmental protection in this province seriously, I want you to know that nobody takes you seriously. Your government just cut another \$16 million out of the budget, when we're rolling in money, when you've given another \$8 billion away in tax breaks and tax cuts. You have deregulated every statute within the Ministry of the Environment. You call environmental protection "red tape." By next year you want to get rid of 50% of regulations, calling them red tape. Minister, when are you going to listen to everybody across Ontario who

is telling you that you are not protecting the environment? On the contrary, you have become the minister against the environment.

We've heard shocking news today that employees at the Ministry of the Environment have had a gag order put on them, that they're being intimidated, that there's a witch hunt going on. Are you going to guarantee us today that that witch hunt will be taken off and you'll allow those employees to speak publicly about what's going on in the Ministry of the Environment?

Hon Dan Newman (Minister of the Environment): If you look at the budget figures for this past year, there is \$8 million that we are no longer funding for the Y2K program. There is \$2 million in one-time relocation costs that are not being funded this year because we don't need to spend money on that. There has been \$1 million in salary awards for our employees within the ministry that won't be in the budget for this year. We've accelerated funding on many programs. Several programs that were to come to an end or were one-time funding projects will cease to be because they've run their course.

But I say to the member opposite, there are the four investigations underway. There is the investigation through the Ministry of the Environment's investigations and enforcement branch. There is the public inquiry. There's also the independent OPP investigation, as well as the coroner's inquest. Ministry staff are going to fully co-operate. If any of those officials or any of those authorities have any questions for them, I know that Ministry of the Environment staff will be there to answer those questions.

Ms Churley: Minister, when are you going to get it? You just did it again. I put to you, as everybody across the province has now put to you, that you don't have enough resources in your ministry to protect the environment. It is as simple as that.

I'm asking two things of you here, and I want direct answers. First of all, I want to know that ministry staff will be able to go forward to the inquiry in an open and honest way and not fear for their jobs. I want a guarantee of that in the terms of reference. The second thing I want you to commit to today is to admit that there are not enough resources in your budget and that you will go to the cabinet table and speak to Ernie Eves, speak to your Premier, and demand that the \$100 million that was taken out of your budget over the past five years be put back in immediately. Will you do that today?

Hon Mr Newman: I always give direct answers. The member opposite may disagree with my answers, but I give direct answers and I think she knows that. I mentioned the four investigations that are underway, that if any ministry staff are asked questions, they will fully co-operate, whether it be the public inquiry, the OPP investigation, the coroner's inquest or the Ministry of the Environment investigation through the investigations and—

Ms Churley: What about the money, the resources? Cut out the bullshit.

The Speaker (Hon Gary Carr): Will the member take his seat. Even though the member is way down at the other end, I heard that and I would ask her to withdraw that word. We can't have language like that in the chamber.

Ms Churley: Withdrawn.

The Speaker: Sorry for the interruption, Minister.

Hon Mr Newman: As I've indicated, I would expect ministry staff to fully co-operate with any investigation. Whether it be the public inquiry, the OPP, the coroner's inquest or the ministry's investigations through the investigations and enforcement branch, I would expect all ministry employees to fully co-operate, as I believe all government employees and officials ought to.

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of the Environment. There's a question that I know weighs heavily on the minds of Ontarians. They want to know this: Can you guarantee us that what happened at Walkerton cannot now happen in any other community in Ontario that draws its water from a public system?

Hon Dan Newman (Minister of the Environment): What I can say is that the new regulation that is being brought forward, which gives the force of law to several procedures and objectives that were in place in this province, would be there to protect the people of Ontario. If it brings clarity to the situation by having it in a regulation so that everyone who is involved with water facilities in this province, whether they be the actual owner-operator of the facility, medical officers of health, ministry employees or labs doing the testing, I think it's important that all procedures be followed. What this new regulation will do is bring clarity to it.

1450

Mr McGuinty: I want the public to take careful note of this minister's answer to my question. I want to repeat the question for him again: Can you guarantee us that what happened at Walkerton cannot today happen in any other community in Ontario that draws its water from the public system? The minister did not answer that question with the only answer that is acceptable to Ontarians, which would have been a yes. What that means is we've got to ask ourselves now, where is the emergency response plan? I say this in the presence of the Minister of Finance: Where is the additional funding that should be flowing into the ministry right away? Where is the plan to increase our staffing complement? Where are all those kinds of things that have to be done in order to rectify the situation and provide assurance to the people of Ontario?

Once more, on behalf of the people of Ontario, Minister, my question is: Can you guarantee us that what happened in Walkerton cannot today happen in any other community in Ontario that draws its water from the public system?

Hon Mr Newman: I can pledge this guarantee: that we will do everything humanly possible to ensure that tragedies such as the one that happened in Walkerton never again happen in this province. The quality of drinking water in this province—99.8% of drinking water in this province meets the health-related objectives of the Ontario Drinking Water Objectives. That is why the new regulation that will be coming forward will require that each and every certificate of approval for water facilities in this province be reviewed by the end of this year. Certificates of approval will be approved every three years after that on an ongoing basis so we can ensure that the people of Ontario have the safest drinking water possible.

LONG-TERM CARE

Mr Garfield Dunlop (Simcoe North): My question is for the Minister of Health and Long-Term Care. Minister, I know that our government has made aggressive reforms to long-term care in Ontario. Your April 1998 announcement to develop 20,000 new beds and to rebuild the 15,835 existing beds is unprecedented in Ontario's history and means a \$1.2-billion investment for long-term care in Ontario. I am also aware that this unprecedented investment was due primarily to the fact that not one new bed was built in this province in the 10 years prior to our election in 1995.

I know that this will mean more than 350 new long-term-care beds and the rebuilding of almost 500 existing beds in Simcoe county, which I know our community will most definitely benefit from. I am very pleased that in my riding of Simcoe North, we are about to open 100 rebuilt beds at Hillcrest Village in Midland in late August and another 112 new long-term-care beds at Leacock Point in Orillia. They will open early next winter.

Minister, I understand that yesterday you made yet another important investment into Ontario's long-term-care sector. Could you take the time to expand on yesterday's announcement for the members of this House today?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As a result of conversations that we've had with the long-term-care stakeholders and the long-term-care associations, we announced yesterday that, retroactive to April 1, 2000, our government is now allowing the long-term-care facility operators to retain 100% of the preferred accommodation revenues. This will mean there is an additional \$47 million available in new funding to ensure high quality continuing care for the residents in those facilities, and there are approximately 57,000 residents. This funding will be directed to accommodation services, such as improved dietary, laundry, housekeeping and other general maintenance services. Also, this will help to expedite the building of the 20,000 beds and renovating the 16,000 others.

Mr Dunlop: I know that Ontarians are all relieved that this government is continuing to move forward to address the growing needs of our aging population, those

needs that were not addressed by previous governments. This \$47 million being made available to long-term-care facilities in Ontario will surely further our government's commitment to ensuring that the needs of our aging population will continue to be met in the future. I wonder, Minister, have you got any reaction from the long-term-care associations on this important announcement and what it will mean for Ontario's long-term-care sector?

Hon Mrs Witmer: Yes. Since coming to office, our government certainly has recognized the needs of our rapidly growing aging population, and we recognized that there had been no beds built in the province for over 10 years prior to our 1998 announcement of 20,000 new beds. I can tell you, working co-operatively with the stakeholders and the people in the province of Ontario, we have done everything we can in order to ensure that the beds are going to be available.

Certainly the reaction from the associations has been very positive. I would just quote from Vida Vaitonis, executive director of the Ontario Long Term Care Association, where she commends the government for our "ongoing reinvestment in the LTC sector," and the fact that they look forward to continuing to work with us "on our mutual goal to provide the best possible care and services to the current and future residents of long-term care."

Mr Speaker, let me assure you and all members of the House that it is our government's intention to do everything we can to ensure we have the appropriate services for our growing and our older population.

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): I want to return to the Minister of the Environment. We are very, very concerned about your inability to provide the assurance—the precise assurance—that the people of Ontario are looking for. If we examine the chronology of events that took place at Walkerton, at one point in time information regarding contaminated water was directed to your ministry and your officials sat on that information. They did not notify public officials at Walkerton, either at the municipal level or in terms of the health authorities. Can you tell us today, can you assure us today, can you in fact guarantee us today that at no time in the future could that ever take place again, and tell us specifically what you have done to ensure that will never happen again?

Hon Dan Newman (Minister of the Environment): The leader of the official opposition would know that there are investigations underway and I cannot comment on anything in particular. There is the investigation through the Ministry of the Environment's investigations and enforcement branch. There is also the public inquiry that's underway, there is the investigation by the Ontario Provincial Police, and there is the coroner's inquest. All of these investigations are obviously going to look at all matters pertaining to Walkerton, whether it be activities

from the Ministry of the Environment, anything to do with the local municipality, the public utilities, the role of the medical officer of health. All of these issues are going to be looked at in a way to get at the bottom of it because, after all, we all want answers. That's what the people of Walkerton want and that's what the people of Ontario want.

Mr McGuinty: This response is no less than absolutely terrifying. This minister is telling us that apparently he has to wait for the outcome of a variety of inquiries and inquests. But on his watch as Minister of the Environment, as minister for safe and clean drinking water in Ontario, there is nothing he can do; there are no lessons that he can draw from this particular example; there are no directives that could be sent to his own officials inside his own ministry. This is completely unacceptable, and on behalf of the people of Ontario, Minister, I'm asking you to step aside. Let's get somebody over there who's prepared to get to the bottom of this inside their own ministry, take responsibility and make our water safe.

Hon Mr Newman: This isn't the first time the leader of the official opposition has put words in my mouth and put words in the mouth of other members on this side of the House. Obviously there are measures in place to ensure nothing like this ever happens again in this province. There are many unanswered questions, and that's what we want answers to.

What we do know is that testing was done, and we do know that the results were reported but were not as broadly shared as they ought to have been. Why were the lab results not shared as procedures required? Why were there delays in notification? Clearly there was a breakdown in communications that seems to have occurred. Errors in judgment appear to have played a role, perhaps at many levels of government.

We need to get to the bottom of it. We need to find out what happened. That's why there are the four investigations underway: through the Ministry of the Environment's investigations and enforcement branch, also through the public inquiry, also through the Ontario Provincial Police investigation, as well as the coroner's inquest.

1500

REGISTAR GENERAL

Mr Frank Mazzilli (London-Fanshawe): My question is for the Minister of Consumer and Commercial Relations. Ontarians depend on essential services every day that are provided—

Interjections.

The Speaker (Hon Gary Carr): Order. The member for Hamilton East, come to order, please. Sorry for the interruption; the member for London-Fanshawe.

Mr Mazzilli: Obviously the Liberals do not care about my constituents, but I certainly care about my constituents.

My question is for the Minister of Consumer and Commercial Relations. Ontarians depend on services every day and prioritizing of those services. The federal Liberals have cut health care; our military is aging. Under your ministry, you provide many services. Can you explain to my constituents what they are and how efficient they are?

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I want to thank the member for London-Fanshawe for the question. The Office of the Registrar General registers all vital events such as births, deaths and marriages that occur in the province of Ontario. In addition to registering these events, the office also provides proof in the form of certificates and certified copies of registration. Proof of registration, particularly of birth, is required to access the basic entitlements of any society, including health care, education and out-of-province travel documentation.

As you can see from the number of public services that require vital statistic information from the registrar general's office, the need to obtain service when, where and how a client wishes to access this is extremely important.

PETITIONS

PROSTATE CANCER

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislature of Ontario.

"Whereas prostate cancer is one of the leading causes of fatal cancer in Ontario;

"Whereas prostate cancer is the second leading cause of fatal cancers for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer;

"Whereas the early detection blood test known as PSA (prostate specific antigen) is one of the most effective tests at diagnosing early prostate cancer;" and whereas the Minister of Health's inaction is literally causing men to die needlessly;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health and the minister to have this test added to the list of services covered by OHIP, and that this be done immediately in order for us to save lives and beat prostate cancer."

Of course, I affix my signature to it as I am in complete agreement.

OAK RIDGES MORaine

Mr John O'Toole (Durham): I present a petition on behalf of my constituents in the riding of Durham, specifically from Gwen Meraw, Jean Brock, Mary Tipples and a number of other important and valued constituents.

A petition to the Legislative Assembly of Ontario:

"Whereas the Oak Ridges moraine is a glacial ridge running across the top of Toronto including Caledon, King, Aurora, East Gwillimbury, Whitchurch Stouffville, Uxbridge, Pickering, Scugog, Whitby, Oshawa and Clarington; and

"Whereas the Oak Ridges moraine is the headwater for about 35 rivers and streams flowing south to Lake Ontario and north to Lake Simcoe; and

"Whereas the drinking water for millions of GTA residents, the wetlands, wildlife and natural areas will suffer irreparable damage if industrial, commercial and/or residential development is permitted without protective planning for preservation;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything in its power to ensure the Oak Ridges moraine remains zoned as agricultural and rural;

"Work with the Ontario Municipal Board to ensure conservation of the Oak Ridges moraine;

"Provide a policy statement to enshrine its position."

I am pleased to support and sign this petition.

EDUCATION LEGISLATION

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers;

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

This petition has been signed literally by dozens and dozens and dozens of concerned Ontarians in my riding. I affix my signature in full agreement with their concerns.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I continue to receive petitions organized by Cecil Mackasey and Rick Roberts of CAW Local 222 and forwarded to me by Cathy Walker, the national health and safety director for the CAW. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

I add my name as I'm in agreement with these petitioners.

EDUCATION LEGISLATION

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in the province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers;

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I've also signed this petition in complete agreement.

LORD'S PRAYER

Mr John O'Toole (Durham): It's always my pleasure to present a petition on behalf of my constituents in the riding of Durham. This is just one of many.

"To the Legislative Assembly of Ontario:

"Whereas the Lord's Prayer, also called Our Father, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and tradition that continues to play a significant role in contemporary Ontario life;

"Whereas the Lord's Prayer is a most meaningful expression of the religious convictions of many Ontario citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings in accordance with its long-standing, established custom and do all in its power to maintain use of this prayer in municipal chambers in Ontario."

I'm pleased to support and sign this petition on behalf of my constituents in Durham.

1510

NORTHERN HEALTH TRAVEL GRANT

Mr Michael A. Brown (Algoma-Manitoulin): I again have thousands of signatures on petitions from all across the riding of Algoma-Manitoulin.

"To the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north, which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

I agree, and I sign this petition on behalf of those thousands of signatories.

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased today to be able to present a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas the prayer, Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

I support the petition and affix my signature.

MUNICIPAL RESTRUCTURING

Mr Michael Gravelle (Thunder Bay-Superior North): There are many people in Beardmore, Longlac, Nakina and Leduc township who are very unhappy about the amalgamation of Greenstone. I have petitions here from the township of Nakina.

"Whereas the corporation of the township of Nakina is an incorporated municipality; and

"Whereas the corporation of the township of Nakina has continued to operate as a community in its own right since 1923; and

"Whereas amalgamation with other distant communities could prove to be detrimental to the individualistic lifestyle associated with living in the township of Nakina; and

"Whereas the economic justification for the creation of Greenstone no longer exists, and its creation may result in a loss of local services and an increased tax burden on the residents of Nakina; and

"Whereas the residents of the township of Nakina would like to continue to be the municipality known as the corporation of the township of Nakina;

"We, the undersigned, petition the Legislative Assembly to ensure that the corporation of the township of Nakina continues to be a separate municipality in the province of Ontario."

Virtually everyone in the community of Nakina has signed these petitions, and I'm proud to add my name.

KARLA HOMOLKA

Mr John O'Toole (Durham): Mr Speaker, you may have noticed that earlier today I was sort of thwarted from making a statement or question, so I'm making up for it. A petition to the Legislative Assembly of Ontario:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I present this on behalf of Marilyn Mushinski, MPP for Scarborough Centre, in her absence.

DELAYED START OF SCHOOL

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas for 1998 and 1999, a delayed start program, developed by community councils with input from students, had been accepted and successfully implemented for the schools of Glendale High School, Norwich District High School, and East Elgin Secondary School; and

"Whereas to this date there has not been resolve to this issue for September 2000, we hereby petition the Legislative Assembly to provide leadership and resolve for this very important local issue;

"Whereas this plan has, for two years, proved itself to be irrefutably beneficial to the students of these schools and developed with their best interests in mind;

"With the full support of all parties concerned, we, the undersigned students of the schools who will be affected by this decision, support the continuation of the late-start program as it has existed."

It's signed by a number of residents from Tillsonburg and Otterville, and I affix my signature to it.

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm very pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas the prayer, Our Father, also called the Lord's Prayer, has always been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada under Lieutenant Governor John Graves Simcoe in the 18th century; and

"Whereas such use of the Lord's Prayer is part of Ontario's long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario maintain the use of the Lord's Prayer in its proceedings, in accordance with its long-standing established custom."

I support the petition and affix my signature.

EDUCATION LEGISLATION

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have a petition from teachers and members of town council:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute power for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers;

"Whereas Bill 74 attacks our human rights by demanding teachers be available seven days a week, 24 hours a day, 365 days a year to do assigned duties; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 throughout the province immediately."

I affix my signature on this petition.

ORDERS OF THE DAY

BRIAN'S LAW (MENTAL HEALTH
LEGISLATIVE REFORM), 2000LOI BRIAN DE 2000
SUR LA RÉFORME LÉGISLATIVE
CONCERNANT LA SANTÉ MENTALE

Resuming the debate adjourned on June 5, 2000, on the motion for second reading of Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

The Acting Speaker (Mr Tony Martin): To resume the debate on Bill 68, the member from Thunder Bay-Atikokan.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'm pleased to have an opportunity to participate in this debate on Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act.

I expect I will be voting in support of this bill on second reading. I'll be doing so in recognition of the anguish of families who have had a sense of being helpless in being able to get treatment for loved ones who are unable to act on their own behalf. I'll be doing so in respect of the work of my colleague Mr Richard Patten, who has brought forward two private member's bills out of concern for this issue.

Interjection.

Mrs McLeod: The member opposite corrects me—three private member's bills in respect of his concern for this issue. And I will be doing so also in response to the recommendations of at least six inquests into deaths of people that involved mental illness among those who were not receiving treatment. I believe, however, that it's important to note that these inquests are not all into homicides. They also involve suicide within mental health facilities, death as a result of restraint within mental health facilities and death as a result of conflict with the law. Regardless of the reason for the death, the issues addressed in this legislation have been a focus of concern in these inquests. Five of the inquests have dealt with confusion around the term "imminent danger"; four have addressed the potential benefits of community treatment orders.

1520

I want to note a concern with the relative speed with which this has proceeded, although given the standard of speed we are observing with Bill 74, which is currently before the House, it's hard to speak about this bill as having been rushed through. But I do want to recognize that the first consultation was for two weeks, by invitation only, and that we have had relatively little time for public hearings. The notice was one which made presenters somewhat rushed in their presentations. Never-

theless, we have had extensive public hearings in terms of presentations that have been made on all sides of the issue—people supportive of the bill and people with very real concerns about the bill.

There is a different process being followed here, and I want to acknowledge that, because I think it sets an important precedent. The precedent is not only that we have had public hearings, but that we've had those public hearings prior to second reading of the bill, so that as we approach this second reading debate we have had the benefit of the input of all those presentations on all sides of the issues that are contained in this legislation. I trust that as a result of that new process there will be a genuine willingness to look at amendments to this bill that will reflect the concerns that have been presented to the committee.

I have to say that my greatest concern about the legislation, and I will address in the time I have some of my specific concerns with the bill, is that this legislation is coming forward in the context of the total inadequacy of mental health resources that are available to those needing help. I believe it is legitimate to question, as many have, why this bill is coming forward when those supports are not in place. The Schizophrenia Society of Ontario, which is very supportive of the bill, suggested the reason the bill is coming first is that it will provide a basis for holding government accountable to provide those services and supports that are needed to make the legislation effective in actually improving treatment for those with mental illness. Selina Volpatti of the Schizophrenia Society of Ontario said: "The legislation must come first and that gives us a basis to advocate on behalf of our relatives for the services that really should be there."

Because that is the intent of those who are the strongest supporters of this bill, that it become a basis for holding government accountable to provide the supports, we've proposed that there be an amendment, that the parts of the bill that deal with community treatment should not be proclaimed until there is a clear implementation plan to put those community supports in place.

It seems to me there should be little surprise that we've heard skepticism during the committee hearings about the commitment of government, and I would say any government, to put a truly integrated, comprehensive system for treating mental illness in place, because this issue of mental health reform has been studied and discussed for years. There have been so many studies, there have been so many good intentions outlined over recent years—I go back to 1988 when a Liberal government brought forward the Graham report and outlined its plan to move towards an integrated mental health system. We could go to 1993, when the New Democrats came out with a 10-year plan, Putting People First, with an emphasis on enabling people with mental health problems to remain within the community. We then go to the 2000 and Beyond study that was brought forward by the then parliamentary assistant, Mr Newman, in 1998 on the

progress of reform but with some very important recommendations. I want to note them.

The recommendations of this government's report on strengthening Ontario's mental health system said, "The government must demonstrate its commitment to mental health reform by creating an integrated and coordinated system of mental health services in Toronto," that the government "should ensure dedicated funding for the mental health system," that they "should immediately establish a program design team to be responsible for developing a province-wide implementation strategy"—important, necessary recommendations.

One of the last recommendations, in fact the last recommendation, was that "government begin a review of the Mental Health Act." Unfortunately the only recommendation that has been acted on is that last one, which is why we have before us the changes to the Mental Health Act.

Making it Happen was a 1999 implementation strategy from the Ministry of Health with an outline of what a truly well-resourced mental health system would look like. We have the ministry's strategic plan, we have the HSRC's direction on mental health, we have Michael Bay's public education program on the current Mental Health Act, but the bottom line is that we are now seven years into a governmental commitment to mental health reform and we're five years into this government's term. We've had time enough not only to bring in legislation but also to make significant improvements to mental health supports that are available in communities.

What have we actually seen in terms of proposals for change? We have the recommendations of the Health Services Restructuring Commission that six of nine psychiatric hospitals in this province will close, with 1,135 beds to be lost.

We've had some funding for ACT teams, which are an important part of implementing the community programs, but according to Dr Musgrave, the psychiatrist who assists the ministry in the development of the community treatment and ACTT program, we only have one-third of the number of ACT teams that are needed.

The issue of homelessness has not been addressed. There are estimates of 5,000 homeless or under-housed individuals with mental illness in Toronto. Niagara region will need almost 1,000 places by 2007. The Royal Ottawa Hospital spoke to the fact that in Ottawa the emergency shelters are overcrowded but they have no choice but to take in the homeless, many of whom are suffering with mental illness, and give them a mattress on the floor. It is a tragedy that these individuals are not receiving the treatment that they need, but it is not enough, I suggest, to provide treatment in the absence of a place to live.

The No Force Coalition spoke very passionately to this issue when they said the Mental Health Act functions adequately to protect people who become very ill, yet it is no substitute for the care and support some people need on an ongoing basis, and that includes competent and caring community-based mental health care, decent

housing, mental and emotional health supports and enough money to live on.

We know that there is a housing initiative put forward by the current government, \$45 million over three years. We know that in year one that was to bring 1,000 units to Hamilton, Toronto and Ottawa. It is a start, but given what the committee heard about the need, it is clearly not enough.

We heard during the committee hearings about the lack of community supports. We heard that in Ottawa there's a two-and-a-half-year wait for case management services. Although the goal of the government is to move to 60% of the funding for mental health being focused on community programs, in Ottawa 80% of the funding is still on the institutional side.

We heard that in Niagara they are short of case managers and that there is no 24-hour crisis care.

We heard about the shortage of psychiatrists in many parts of the province, including my own home community of Thunder Bay.

During the course of the committee hearings, we had the benefit of receiving the atlas report, the study on access to mental health services in the province, and it said that 50% to 75% of people who could benefit from mental health services do not even seek help.

During the course of our committee hearings we heard about the lack of funding for mental health. The Ontario Federation of Community Mental Health and Addiction Programs tells us that the base budgets of 335 agencies have not increased in 10 years and that there were budget cuts twice in that period. The community mental health and addiction program says that funding is one fifth of what is needed.

There was a 1991 study that said \$600 million was needed for mental health. Only \$150 million has been invested. The Toronto Star suggested that \$30 million of that is a shift of addiction services from ComSoc into health, so it's not new money, and that supportive housing is another chunk moved into health.

In June 1999, we saw that the CMHA said that of the \$60 million that was announced that previous April, only \$26 million was actually annual funding and the rest is one-time transitional and capital. The CMHA tells us that \$325 million is needed in community care just to deal with the transition from institutional care to the community. We know that the Minister of Health—and I acknowledge not only her presence in the Legislature today but the fact that she's made a commitment that there will be no closures of psychiatric hospital beds until the community supports are in place.

But the question that derives from that is, at what level of support in the community? The implementation teams to make the transition from the psychiatric hospitals that are to close to community care are just now being put in place. They've been told to begin divestment and to provide advice "within the limits of the ministry restructuring resources." We know the Health Services Restructuring Commission has said that you need \$63 million to \$87 million just to replace the beds that will be closed.

But the ministry and the public accounts committee said their estimate was that it would be \$48 million, already half of what the government's own commission said was needed. The ministry has said it's not a cost-saving exercise to close psychiatric hospital beds, but it's already short-changing the replacement costs.

And unbelievably, as we have before us significant changes to the Mental Health Act and significant concerns among many people who provide services to those with mental illness that there are not sufficient community supports and treatment options in place, there was absolutely no new money in this year's budget to support mental health.

1530

I have concerns because I look at last year's auditor's report where the auditor noted the lack of progress towards the goals of mental health care reform. He said that research projects that are supposed to determine the costs of community care compared to institutional care are just beginning to tell us what dollars are needed. The auditor said the ministry should define acceptable levels of care and establish performance benchmarks and outcome measures.

I acknowledge there are levels of care outlined in Ministry of Health documents describing the needs, but with no delivery benchmarks and no standards of care, absolutely nothing by which the government's performance in providing care can be measured. I believe it's essential that there be benchmarks, accountability standards, to which this government can be held before the changes to the Mental Health Act are made. So we have proposed amendments to the act to require that standards of care be part of any community treatment plan.

The purpose of this bill is to broaden the criteria by which treatment can be provided involuntarily. Let's recognize the fact that this is about involuntary commitment. The intention is to address the needs of a very small group of people who cannot access treatment either in hospital or in the community because of their illness. Currently, you have to be in a state of imminent danger to yourself or to others before care can be imposed through involuntary commitment to hospital.

The legislation attempts to move the grounds for getting people into treatment from dangerousness into a concern for care. I believe that's one of the strengths of this legislation. It does this in two ways. It does it by broadening the grounds for involuntary commitment to hospital, and there are concerns around that and it's one of the significant issues that has to be addressed. I think that issue gets somewhat lost because we pay so much attention to something which is a new concept to Ontario, the other way of having involuntary treatment, and that is through a community treatment order.

The purpose of that CTO, to use the term, is to provide support and treatment for people with mental illness who are caught in what is often called the revolving door syndrome: people who have been hospitalized and responded well to treatment but who can't sustain that treatment on their release from hospital. The purpose of the CTO is to

get these individuals into care so that you can prevent deterioration and restore ability to function, to return to life, as many individuals said to our committee.

I believe, as I'm sure my colleague has pointed out in his participation in this debate, that they shouldn't be called community treatment orders; they should be called agreements. The legislation does recognize that there must be consent to a community treatment plan, whether of the individual or of the substitute decision-maker. It's important to recognize that this bill is not—and I don't believe it is intended to be on the part of the government in presenting it—about imposing treatment on people who are capable of making decisions and who refuse to be treated.

There are many concerns—and I want to acknowledge those—about imposing coercive care in any circumstance at all. But I do want to set that aside for a moment and recognize that, for me at least, an even greater concern is that under legislation the community treatment plans can only be provided—and certainly they can only work—if there is adequate treatment and support available in the community.

The Royal Ottawa Hospital said to our committee that the proposed legislative reform will be ineffective if patients are not adequately treated and monitored. It's equally true that the broadened criteria for admission to hospital can only be put into effect if there are beds. The Ontario Medical Association believes that community treatment orders will relieve the need for beds. Some studies—and I want to acknowledge this—of the effectiveness of community treatment orders indicate that there can be a reduction in hospitalization, and that obviously is the goal of the community treatment organization, to keep people out of hospital. However, the community hospital psychiatrists believe that the broadened criteria for commitment are going to significantly increase pressures that they can't meet now. The Ontario Hospital Association shares that concern. The CMHA is concerned as well that there won't be an adequate number of mental health beds when the restructuring and the closure of the psychiatric hospital takes place.

I have a personal concern coming from northwestern Ontario, because I live in a region where the psychiatric hospital is scheduled to close. I'm aware of the plans that are in place right now, and I see no plan to provide a type of bed in the entire region of northwestern Ontario that will be suitable for the admission of somebody who cannot be supported in the community and who needs a longer-term stay in a hospital bed. In northwestern Ontario we will have a forensic unit for those who are involved in the criminal justice system; we will have long-term psychogeriatric beds that, even if they are intended to be for long-term non-senior population, are going to be contained in what is a chronic hospital, primarily serving the needs of seniors; and we will have acute beds in our acute care hospital. None of those, I am told, are really suitable for a three- to five-month stay, which may be necessary for those who need treatment in a hospital facility.

I am particularly concerned if this legislation, because it comes first, should be used as an excuse to do nothing more on mental health reform. I would be extremely concerned if the government were to say: "We've done mental health. We don't need to look at it any longer." But I do also believe that this legislation could be a means of showing where the gaps are, and if it's used in that way, it could represent a significant advance in a focus on real mental health reform.

Dr Julio Arboleda-Flórez, who is head of psychiatry at Queen's University, said that the very passage of this legislation will provide an obligation on the government. I believe it's an obligation that this House must hold the government to. If there's a certain irony in the legislation, it's because in providing for community treatment plans, the legislation could actually be largely unused, if it's used properly. It could be unused because positive supports are already available in the community. If the positive support, the proactive outreach to those with mental illness, is in place, we're not likely to need involuntary admission and CTOs as often, and that would be a positive reason to see this legislation relatively unused.

But this legislation may also be unused because there is not community support for community treatment orders. We repeat, in the legislation it's very clear that you cannot provide a community treatment plan unless the support is available in the community. If this legislation is unused because there aren't community supports, that's a very negative reason. We've seen that in other jurisdictions community treatment orders are indeed used very sparingly. In New Brunswick, for example, there were 63 in three years.

I believe there is a need to have a review built in, that at the end of two years—and we've proposed amendments in this regard—we need to have a review of the use of the community treatment orders; we also need to know why they have either been used or why they have been unused, so we'll be able to determine whether community treatment orders are not being put in place because in fact there are not community supports in place. We'll want to have a review of the effectiveness of the use of community treatment orders: Have they indeed been able to provide the support people need? Have they indeed been able to reduce the necessity of hospitalization?

I would also argue very strongly that the review of this legislation in two years' time consider the effect of this legislation on the wait times for people who are not under community treatment orders to access care. Because there is a great deal of concern, given the inadequacy of our resources for mental health, for providing treatment for those with mental illness, that people are going to be bumped in order to provide priority care to those who are on an involuntary commitment order.

I have a number of concerns about the details of the bill, and I'm sure my colleagues are going to speak to those as well, so I'm not going to deal at length with them. We have proposed amendments to make changes

in the definition of "mental disorder," which in the current instance has not been proposed to change from the current act and which continues to be very broad. We would very strongly recommend that the legislation be amended with the definition proposed by the Ontario Medical Association and supported as well by the Ontario Hospital Association and the Ontario Psychiatric Association. The amendment would then change the definition of mental disorder to mean, "a disorder of thought, perception, feelings or behaviour that seriously impairs a person's judgment, capacity to recognize reality, ability to associate with others, or ability to meet the ordinary demands of life in respect of which treatment is advisable."

Given the fact that this current legislation deals with people who clearly have serious mental illness, we believe that amendment and that change in definition is needed.

We also believe, and we've proposed a preamble to do this, that there needs to be a clear definition of the target population that can be helped by community treatment order. We have proposed as well a number of amendments to deal with some of the unanswered questions about the use of community treatment orders. For example, one of the concerns for a great many presenters to the committee was that because this is involuntary commitment, whether to hospital or to community treatment, the use of force may be a real concern. Even though a consent is required, there was a concern that the consent by a substitute decision-maker out of concern for the well-being of their loved one could be to the use of force to require compliance with, for example, taking medication.

1540

We've been assured that there is no intention here to enforce compliance with community treatment orders through the use of force, but there was some disagreement in the testimony about what might be needed for compliance, and real questions about how you enforce compliance without the use of force. The images for people presenting to the committee of the use of force were very real and very frightening: the images of people being physically restrained while medications are being administered, the images of people being forced up against a wall to require them to comply. Again, we're assured that is not the intent of this legislation, but to reassure people who are genuinely concerned about this, there should be an amendment in this legislation that prohibits the use of physical or chemical restraints in any community setting.

I also want to note that the clearest consequence for non-compliance with a community treatment order would be the threat of readmission. Clearly that's coercive, and I recognize that. I also think we can't assume that you can admit a patient for non-compliance, because there is going to be a shortage of beds. Dr Russel Fleming, the psychiatrist-in-chief at Mental Health Centre Penetanguishene, made the point that in-patient programs are already routinely over capacity.

The most compelling evidence of the way that compliance would be enforced and why a community treatment order would be important to an individual, in my view, came from Selina Volpatti of the Schizophrenia Society of Ontario. I want to quote what she said, because she spoke to the essence of why this legislation can be supported, even with the concerns we have. She said: "I see the community treatment order working in such a way as if that person—let's say when he's just released from hospital, he's going to report to his team once every three days, and if he doesn't report, they're going to have to look for him and make sure that he has taken his medication. If not, he is going to be brought back into hospital. But when he's brought back in that way, he is not going to have deteriorated to the degree he would have deteriorated if he'd been left out in the street for 30 days or 60 days."

If that's the compelling reason to support the legislation, I also want to acknowledge the concerns that were expressed to our committee about the lack of trust. From the psychiatric survivors group in Ottawa: "Community treatment orders will undo a lot of trust that's been built up over the years between patients and their caregivers, be that ACT team members or case managers. Trust is a large issue for people who feel vulnerable."

From the St Michael's Hospital mental health service, again in Ottawa: "We are gravely concerned that this legislation will compromise the patient-physician relationship and make it a coercive one as opposed to one based on mutual trust and care. The population this legislation is attempting to address is of the most ill and marginalized of all. This legislation, as we see it, will only further drive these people away from receiving the care that they require."

It would be a tragedy if that was the outcome of this legislation and we can only trust that in its implementation it is used properly and as intended and that we provide safeguards to ensure that it's used properly and as intended so we don't have that further erosion of trust.

I want to recognize that the criteria that have been put in place in the legislation for community treatment orders are stringent, as they must be, and I won't take the time to read them into the record; I'm sure that's been done already during the debate. I want to acknowledge, and I think this is an issue that has to be dealt with through amendment, that the stringency of the criteria raises some questions about the onus, the liability, of the people who are responsible for implementing this legislation, whether it's the physician who has to have assurance that supports are in place to provide the treatment ordered, whether it's the person responsible for releasing someone who might indeed be dangerous to self or others. That was certainly a concern for hospitals and there is a very real concern about protection of the family and the substitute decision-maker for liability.

I want to express my concern about the danger, if this legislation is all there is, that the only available treatment could be medication, that the community treatment plan could end up being only about medication. It's not what

the legislation says it should be, but in the absence of community supports, if it becomes only about medication, then this bill ends up being solely about the enforcing of taking of medication.

I want to again quote the Ottawa psychiatric survivors group, who said: "It is not true that if people 'just took their medications' all would be well. Pills will not cure poverty, dysfunctional families, homelessness or loneliness. At best they should be only one part of a treatment plan, at worst, they can be devastating."

They make the case very strongly and very passionately for why there must be comprehensive community mental health support for this legislation to be effective.

Time is passing when you have half an hour to speak to a bill as extensive as this and I'm therefore not going to spend time on section 17, although it is a concern, about the change in the way in which police officers will have grounds for apprehension, other than to recognize that while I support the notion of reasonable and probable grounds, because I understand why it's been a problem that you're not always able to observe somebody in the bizarre behaviour that would warrant concern, that kind of discretion has to be exercised very, very carefully. We have in our amendments proposed greater safeguards to prevent the misuse of involuntary apprehension and admission through greater access to rights advice.

I also note my ongoing concern about the fact that when it says the police can take people to an appropriate place to see a physician, there often is not an appropriate place, which is why so many people are being picked up off the streets and put in jail, whether overnight or for longer. That is not an appropriate place. I think that we criminalize the mentally ill by putting them in jail when there's no place else to take them, but I recognize that we also criminalize them when we allow someone to deteriorate to a point where a crime is committed or a family is forced to lay charges to get a loved one into care. I do believe that, used properly, this legislation can be a step towards providing support for people in the health system rather than in the justice system.

In the three minutes left I want to touch on the history of deinstitutionalization in this province and why I think it's the reason there is an understandable skepticism about how well and how properly this legislation will be used. It was back in the late 1970s when we last had a major deinstitutionalization of people who were in psychiatric facilities and who, it was felt, could be better cared for in the community. Or maybe it was a cost containment—that they could be cared for in a less costly way in the community. But many of the people who were deinstitutionalized in the late 1970s are still on our streets; they're homeless and they're without treatment.

In 1977 there was a debate on changes to the act to allow more involuntary committal. We had the same concerns expressed then, the same call for a shift to community supports that are still not in place today. So no wonder there are concerns. No wonder there's a lack of trust. No wonder there is a fear that this legislation,

instead of being a positive step forward, could be a way of masking continued inaction.

There's also a very considerable concern expressed that this bill will add to the stigma of mental illness by emphasizing the dangerousness of the mentally ill. I wish I had more time to address the fact that, as we've seen in so many presentations, the truth is that those with mental illness are a greater danger to themselves than they are to others, that suicide is more frequent than homicide, and the fact that this bill will not eliminate violence. But this bill, through community treatment orders and through the broad criteria for involuntary admission, does have the potential to help a small number of people, but only—again, as the research on Kendra's law in New York state had demonstrated—if community supports are in place. In fact, in New York they suggest that it's the community supports and treatment options that have made the difference and not the community treatment orders themselves.

I want to again recognize, in my last minute, that this legislation addresses 5% of the population with mental illness, that there is another 95% who need treatment, who need support in the community, who aren't always able to get that treatment and support. It's absolutely crucial that the mental health reform process not be solely about this bill, which is about 5% of the population, and that we continue to meet the needs of the other 95% of those who have serious mental illness. This bill can only be a beginning.

I want to conclude in my last 30 seconds with a statement that was made by the International Association of Psychosocial Rehabilitation Services, in which they say:

"The inadequate funding and fragmentation of a comprehensive community mental health system is revealed every time a person with a mental illness commits suicide, dies in a police shooting, is a victim of crime, ends up in jail because treatment is not available, or, in those rare circumstances, commits a crime. This agenda"—providing integrated, comprehensive mental health treatment and support—"will be more difficult to attain than the passage of involuntary outpatient commitment laws."

But we can accept no less in this province.

The Acting Speaker: Comments and questions?

Mr Brad Clark (Stoney Creek): I want to thank the member for Thunder Bay-Atikokan for her comments in the debate and for participating in the committee hearings. It was very helpful to have her there. She raised a couple of issues—and I just wanted to refer back to Hansard—and they're valid issues. We've heard a number of people state that the violence is not as heavy as some people would believe.

1550

We sometimes get mixed messages from different parties. We had one person come in from the Schizophrenia Society of Ontario and talk about schizophrenia:

"We are talking about a matter of life and death. The danger to others is discussed in the media so often, and that's very real. We represent thousands of families across this province with sufferers who have schizophrenia, and there are very few families that will tell you

that schizophrenia is not associated with violence, because it is. That's a very hard fact for families to contend with, but there are very few families I have spoken to across the province, and indeed across the country, who do not tell me that untreated schizophrenia leads to violence in most cases."

Then another person from the schizophrenia society spoke of suicide: "Most often they are a danger to themselves, not others. Ten per cent commit suicide."

When we were developing this bill, we tried really hard to recognize that we're not dealing with strictly a violence issue. We're trying to deal with a number of issues that the mentally ill suffer from: victimization, suicide and violence. We're trying to do it in a very balanced way so that we have an opportunity to provide a continuum of care from the psychiatric facility to the community but also have that opportunity to protect society and protect the patient's right to treatment and protect the patient's rights. We are in fact trying to develop a balance in this.

Just briefly, so that people understand it, we are working with the opposition parties on the amendments that have been put forward, and so far we have agreement on 16 amendments that we'll be dealing with over the coming days.

Mr Ernie Parsons (Prince Edward-Hastings): I am pleased to respond to the comments made by the members for Ottawa Centre and for Thunder Bay-Atikokan.

What I've heard very clearly out of it is that what comes next is the real question. Will the resources be in place? Certainly in rural Ontario that's an ongoing problem. The resources that people in large cities have access to for mental health services don't exist now. The question is, how will we deal with the bill once it's put in place and how will we deal with working with clients in the community? The track record of this government has not been enviable. I think Dr Duncan Sinclair with the Health Services Restructuring Commission noted that.

It isn't often that one would refer to a bank or a gas company as an example of how things should be done, but I would suggest that at least with the banks that have closed branches and are doing service in the community, first, they put in place the automatic bank machines. Once the people were able to access that service, then they were able to close the facilities.

We have a record of closing psychiatric facilities in Ontario. I'm not saying that's a bad thing, but we need to have led, and need to aggressively continue to lead, with putting in place alternate services for the people in the community, and for too much of rural Ontario that simply doesn't exist. In too many cases the service is being provided by a police officer sitting all night with an individual in a hospital waiting room, rather than giving true service.

The challenge that faces this government and this province is that what sounds good on paper—it does and I'm pleased with this bill—must actually be implemented out in the community so that our fellow citizens who are

in need and count on us for support have that support provided.

Ms Frances Lankin (Beaches-East York): I appreciate the opportunity to respond to the member's presentation. As always, she brings a sensitivity to viewing these very difficult issues. I'll have an opportunity to speak at length later to the bill and some of my concerns, but I want to particularly pick up on the comments Mrs McLeod made about the level of resourcing, both in our community-based resources and in our facility-based resources, and the implications of this bill with respect to that.

The hearings gave very contradictory advice to the committee on a number of issues. The work I have been able to do in talking to people, for example, heads of psychiatric departments of a number of general hospitals, and in looking at studies in the United States—I have some that I'll cite later—indicates that the section of the bill which broadens the involuntary committal criteria is likely to have a dramatic impact on the number of people who come into the system.

I have to tell you that the implications for our system right now are great. We do not have sufficient bed resources for psychiatric patients as we speak, and we certainly don't have the community resources in place to take up the slack. I think the concerns that Mrs McLeod raises are very valid ones, and ones that the government must address. We have heard a figure of \$600 million in community-based resources that are required to meet the current needs, not to meet the additional needs through community treatment orders that we're putting in place.

We know the Health Services Restructuring Commission has scaled back on the number of beds that we have based on numbers before broadening of involuntary committal criteria. I really worry that unless we hear from this government explicit plans for the resource commitment, this will be a PR bill addressing public safety concerns but not with a lot of meaning in terms of implementing it in the community.

The Acting Speaker: Questions and comments? Two-minute response, member for Ottawa Centre?

Mr Richard Patten (Ottawa Centre): I'm pleased to respond to members who have spoken today. I kicked off last night. Of course, some people weren't here at the time. I would concur with my colleague from Thunder Bay-Atikokan. She made a convincing argument and I think it's been made many times in many different ways, and that is of course the resources. This cannot work, is not able to work, and indeed the very articles of the legislation itself suggest it cannot be done unless community resources are there. That's number one for the use of a community treatment order or community treatment agreement.

But I think it has opened up the whole issue of resources for a mental health system, and that mental health system of course is much stronger, is much needed for anyone who needs treatment, not just this fairly small grouping of individuals who are in a particularly danger-

ous situation perhaps to themselves. The evidence shows that that truly is the direction.

My colleague talked about the worry about enforcement. I'm confident that the safeguards in the bill are quite stringent. Some witnesses before us, professionals, suggested that they were the most stringent criteria they were aware of in any jurisdiction that permitted community treatment orders. The other great area of safeguard is that when we start talking about community treatment programs or agreements, we're talking about a team of people from a variety of backgrounds: professional social workers, professional nurses, professional doctors, psychiatrists and psychologists. That team together provides a tremendous amount of concern for an individual and therefore it would flag things that were of any particular detriment to a single individual.

The Acting Speaker: Further debate?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Today I rise to speak to Bill 68, a very key part of our government's plan to reform and improve mental health care and treatment in Ontario in order that we can have a truly integrated and coordinated mental health system in this province.

Before I speak to Brian's Law, I think it's important just to review with the members here today that provincial spending on mental health services has increased in this province by 19% since 1994-95. Last year we were spending \$2.497 billion. That is an increase of 19%.

It's also important to keep in mind that the funding has been shifting from the institutions to the community. Whereas the ratio was 75% hospital funding and 25% community, in 1999-2000 the ratio was 60% hospital and 40% community. As we continue to move forward, we can see that at the present time, community-based funding has actually increased by 95% since 1995.

We have undertaken many initiatives in order to ensure that we can improve the integration of the system and provide the appropriate community support. In that respect, we have directed that 51 assertive community treatment teams be established throughout the province. We have enhanced court diversion, psychogeriatric outreach, case management and crisis support services. We've also set aside \$45 million to provide housing support and mental health care support and services for homeless individuals. We've also set aside money to reach socially isolated people with serious mental illness problems. We certainly have undertaken to make a very significant investment in order to ensure the appropriate community services are there. As I say, we have increased community support by 95% since 1994-95.

1600

In April of this year, I was very pleased to introduce Brian's Law. It is a very important piece of legislation that will ensure better treatment for people with serious mental illness as well as safer communities across our province.

Brian's Law reflects our commitment to balancing individual needs with public safety. We will achieve that balance by providing appropriate care to those who pose

either a danger to themselves or to others. Brian's Law incorporates our proposed changes to Ontario's mental health legislation. It is a crucial component of our reformed mental health system, remembering that we began our reforms in 1998.

These changes take the form of amendments to the Mental Health Act and the Health Care Consent Act. The changes will enable community treatment orders for those with serious mental illness.

Brian's Law is the culmination of more than 18 months of work, work that began with province-wide consultations, led by the Honourable Dan Newman. I would like to thank Mr Newman for all of his hard work. It was his consultations that were the basis for a series of recommendations that are fundamental to improving the coordination, the responsiveness and the accessibility of mental health services throughout Ontario. One of those recommendations was that our government review the provincial mental health legislation to ensure that it supports the creation of an integrated and coordinated system of community-based mental health services.

More recently there were consultations that continued with a series of stakeholder meetings conducted by Brad Clark, my parliamentary assistant and the member of provincial Parliament for Stoney Creek. We appreciate the work he has done. We have also sought and received advice from mental health experts from around the world. I'd also like to express my appreciation to my staff, particularly Lori Turik for the tremendous work she has undertaken.

The bill that is being debated in this House today is the product of advice and input we have received from many people on all sides of the House and throughout this province during our very extensive consultation process. To date, we have heard from over 300 individuals and groups from across the province. After the bill's introduction, we took steps to hold public hearings before second reading to get even more input. Public committee hearings were held in Toronto, Hamilton and Ottawa, to allow the experts, the professionals and the survivors to present to us in detail.

I would like to thank all the people who have participated in this process. I think there has been a very sincere commitment to ensure that this legislation will be the very best we can ensure it to be, that it will protect public safety, but also ensure that there is the appropriate care and treatment provided for those who suffer from serious mental illness.

Our government has been working very hard to reform our mental health system in order that we can provide the quality, accessible services and treatments that are required, and that includes legislation that would support this comprehensive and integrated system of community-based mental health services.

As Mr Clark expressed so well yesterday in this House, our government is listening. We will continue to listen and we will continue to respond to the recommendations. So far, we have heard from the coroner's jurors, from the mental health professionals and from people

who have had first-hand experience in the mental health system, people who describe themselves as survivors. We have also responded to families: families of people with serious mental illness and families of the victims of unfortunate but preventable actions resulting from untreated mental illness.

In particular, we have introduced this bill to respond to people like Alana Kainz and Lori and Tony Antidormi. Their lives and the lives of the people closest to them have been forever changed by the loss of their loved ones. Brian's Law is intended to help reduce the risk that others will suffer their tragic loss. Brian's Law could allow health professionals and families to save lives through the appropriate and timely intervention and treatment of mental illness.

I would like to express my admiration and my respect for Alana, Lori and Tony and their families, who were in this House to witness the introduction of this important legislation. They made a very difficult decision, and that was to share their lives with the people of this province. As a result they have participated in real change that I believe will make this province a safer and a better place for all of us.

Let me conclude by again expressing my appreciation to my parliamentary assistant, Brad Clark, and to all members of the committee from all sides of the House. I think, as Mr Clark has indicated, we are very carefully considering the amendments that have been put forward, not only by the opposition parties but also by the people who have made representation during the public debate. I want to sincerely thank all those individuals. We certainly want to ensure that this bill is the very best it can be.

In closing, I would strongly urge all members of this House to continue to work towards the quick passage of second reading of this bill in order that we can move forward and have the mental health system in this province that will respond to the needs of those who require it.

The Acting Speaker: You didn't ask to split the time when you got up to speak, so if you would ask for unanimous consent now I will put it to the House and I'm sure it will be granted.

Hon Mrs Witmer: I would ask for unanimous consent to split the time.

The Acting Speaker: Unanimous consent to split the time? Agreed.

Mrs Julia Munro (York North): I certainly appreciate the opportunity today to speak to Bill 68, Brian's Law. I think that many of the members who have already spoken have indicated what a unique experience it has been throughout this process. The minister has referred to the leadership shown by the former parliamentary assistant, the Honourable Dan Newman, and the leadership shown by the current parliamentary assistant, Brad Clark.

I also had the unique opportunity to be part of the public hearing process, where it was decided that we would go out and have public hearings after first reading. I want to express the sentiment we certainly heard among those at the public hearings, and that was the question of recognizing how important it was to be able to go out and

hear the community. As a member of that committee, we heard a great many making submissions and we heard a great deal of comment that I think is important, to recognize how important this particular piece of legislation is for Ontarians.

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I'd like to comment first of all about the professional voices we heard in our public hearings and the kind of information they were able to provide to us as a committee. One of the important ones that I think probably summarized the intent behind this bill came from the Royal Ottawa Hospital. In their submission indicating their support, they talked about the fact that it embodied some core principles, "that the amended Mental Health Act represents an ethical response from a humane and caring society; that the citizens of this province have the right to mental health assessments and treatments" and "that the establishment of community treatment orders will allow persons with mental illness to avoid hospitalization, and be cared for in the community." I think that final comment is a hallmark of this particular piece of legislation.

One of the other expert witnesses we heard was Professor Arboleda-Flórez, from Queen's University. One of the comments he made that I felt was particularly important centred around something he described as "rehabilitative inertia." To the rest of us I think it means the revolving door, the inability of the current situation to provide for people with mental illness, and his support then for this piece of legislation, which in fact would provide members of that community with a community treatment and a way in which that would be done to better meet their needs.

A third expert witness we had was Dr John Elias. He also made reference to the importance of this piece of legislation. He suggested:

"With recent advances in the provision of mental health (and particularly psychiatric) services, it is possible to provide most treatment in the community. Community treatment orders should be seen as an option, a 'tool' which makes it possible to provide compulsory (involuntary) treatment in the community in the least intrusive setting."

This kind of comment coming from the professional, expert community has given this committee, and certainly speaking for myself, an understanding of just how important this piece of legislation is.

We also heard from many of the people who have either suffered mental illness themselves or with family members. One that I regarded as particularly poignant was that of Sheila Deighton. In her submission she talked about the fact that in her family, in order for there to be treatment, it took a criminal offence. That was certainly something we heard from many presenters. I see this as an opportunity that we have with this legislation to deal with mental illness in the way in which it should be dealt with; that is, with concern and care and not, as has happened too frequently, that it takes a criminal offence to get treatment.

Leonard Wall, from the Ottawa-Carleton chapter of the Schizophrenia Society, talked about the numbers of people we're talking about in relation to a community treatment order. He suggested that "This province has in excess of 200,000 people who are severely mentally ill; of this total, it is anticipated that some 400 to 500, or one quarter of 1% of this population, could be eligible for a community treatment order."

Individuals who have suffered provided us with again another insight. Ian Chovil referred in I think a very clear way to what it means from his perspective to have a community treatment order. He said:

"For me a community treatment order law is like a law requiring you to use seatbelts. It's for your own protection whether you agree to it or not. Community treatment orders will save lives. It is a law for people who consistently get into accidents without their medication."

He adds how "impressed" he is "with the research that has gone into Brian's Law," and I think that the kind of expertise that we had at this session of public hearings demonstrates the kind of care that has been taken by people in providing for this piece of legislation.

In terms of personal presentations, probably Alana Kainz's is one that stands out for many of us who were there when she made this presentation. I'd like to provide the members of the House today with a couple of comments that she made that I think clarify the situation for many of us. She said, "The bill nicely balances the right for individuals to make their own informed decisions, with the right of all people to be mentally well and with the right of those in the community to be safe."

I think her presentation probably captures the sentiment that many of us have in working on this particular piece of legislation. There are two issues that remain, I feel, outside this legislation. One is certainly implicit, and that is the need to provide education through an implementation process. I know there is an understanding in the legislation that certainly would provide that opportunity. The other one is the issue of accountability. We all recognize how important it is for people to be accountable for any programs that they are delivering. It is my hope that this piece of legislation, which obviously I will be supporting, will then bring with it the level of accountability and the evaluation of this initiative.

My concluding remarks are simply to suggest that everyone from the chief coroner of Ontario to the victims of mental illness was able to come before us. They demonstrated to us that they had a very specific role in bringing this legislation forward. It was certainly an honour to be a part of this and recognize how important this initiative is to provide the people of this province with legislation that will ensure a safer and more caring community for those with mental illness.

The Acting Speaker: Comments or questions?

Mrs McLeod: As I indicated in my earlier comments on the bill, I sincerely hope the member for York North is correct in saying that this will be a way of providing more extensive, more comprehensive treatment for all those who suffer from mental illness.

I do want to stress the fact that the legislation itself only deals with about 5% of the population of those who have mental illness. I want to stress that by coming back to a letter that was written to Mr Clark, the parliamentary assistant, by Dr Ian Musgrave, who's a psychiatric consultant to the assertive community treatment program. He says that it's his personal opinion that "The vast majority of individuals who might otherwise meet criteria for a community treatment order provision can be eminently helped to achieve a life of sustained community tenure and dignity by virtue of being offered comprehensive community-based treatment, rehabilitation support services without need of being subject to a community treatment order."

I really feel the need to keep reiterating the fact that the goals of mental health reform should be to provide those comprehensive supports so that we don't need recourse, at least not often, to the use of any kind of coercive, involuntary commitment. It is, as Dr Musgrave recognizes, only for that small percentage of people who, because of their illness, because of the way in which they respond to treatment, assuming they've had the treatment and their inability to respond in a sustained way, can benefit from the involuntary or need the involuntary commitment. As Dr Musgrave would like to suggest, "There's a small but nonetheless important number of individuals who would only best be served by changes to the Mental Health Act to include a community treatment order provision." These are the people that this legislation focuses on—those people who can only be served through taking these steps of involuntary commitment, either to treatment in the community or, if absolutely essential, to residential care.

As I've said in my remarks, I trust that we won't be implementing mental health reform changes focused only on the 5%.

1620

Ms Lankin: I'm pleased to have an opportunity to respond to both members but I would like to particularly direct my remarks to the Minister of Health. I listened carefully as she spoke about the extensive consultation and work that had gone into this and the collaborative approach to try and come up with the best bill, striking the right balance. I want to underscore those words because I will suggest, with all due respect, that the bill does not yet strike the right balance. We heard much during those hearings from people, family members, those who have suffered from mental illness or who continue to, as well as professionals who have agreed on a broad range of things, even though there is a polarity of opinion with respect to the controversial aspect of broadening criteria for involuntary commitment and the regime of community treatment orders.

A couple of things that most everyone who was asked agreed to, and that I'm hoping the minister will take seriously, are recommendations I've put forward for the creation of a mental health advocate's office, something akin to the office of child advocate in the Ministry of Community and Social Services. That is an office that

looks systemically at our system, that looks at the total integrated system, where the gaps are, the service needs that are not being met, particularly in light of provisions within the community treatment orders section that says these orders can only be put in place when the services are there in the community to meet those needs.

If this is to be more than forced chemical imprisonment in a community, which some psychiatric survivors have alleged, there need to be the community supports to work with families and the individuals to ensure that their right to treatment is actually met.

I also believe it is important that we have a list of services, a basket of services, that are defined in the legislation that must be available in all communities. These sorts of moves to give real meaning to community mental health reform would strike that kind of balance that is necessary.

Mr John O'Toole (Durham): It's my pleasure to respond to both the Minister of Health and the member for York North. The important emphasis I believe is balancing the rights of public safety and individual rights. As the member for York North has mentioned, it's an ethically responsible response, if you will, to a very difficult challenge. The important thing here, if you look at Bill 68, which was introduced by the minister on April 25, is it's attempting to look after public safety and individual rights.

If you look at the explanation notes in the bill, they say, "proposes amendments to the Mental Health Act that would allow persons needing psychiatric treatment to live outside of a psychiatric facility under a community treatment order." That's the important breakthrough here: They can still maintain the dignity and support of a family in the community, to live in the community instead of an institution.

"The criteria that must be met before a physician may issue a community treatment order are set out in section 14 of the bill. Community treatment orders may only be issued for persons who, during the three-year period prior to the order, were patients in a psychiatric facility on two or more separate occasions or for a cumulative period of 30 days." So it's not some kind of arbitrary decision that's being made in an insensitive way.

What the member for York North mentioned in the public response is that we have a duty, as all governments do, to regard the greater good of the greater number, the public safety issue. The call has been to find some rights or assurance or support.

The minister, earlier in her remarks, talked about the 51 assertive community treatment actions that have been taken and other supportive measures the government's taking to strengthen the rights of communities and the individuals who live with mental illness.

Mrs Marie Bountrogianni (Hamilton Mountain): I'd like to congratulate my colleague from Thunder Bay-Atikokan for an excellent synopsis of a very complex issue, and my colleague from Ottawa Centre for his commitment to this process. I will be talking more about this bill in the debate in the next couple of hours. I look

forward to it. I do want to say, though, that the presentations were moving. In fact, one colleague from across the floor and I left in tears after one presentation.

My only regret is that I can't turn the clock back. In my former profession I could have used another tool in my toolbox to try and get some of the kids I worked with who were over 18—they legally may not have been kids but were kids in many different ways—to actually adhere to their medication, their counselling sessions. This will give clinicians, when properly implemented, with the proper amendments, with the proper resources out in the community, another tool to help their patients and their clients.

I also want to congratulate the families who have been tireless in their advocacy for changes to the mental health legislation. The stress level among these families is enormous. Research has shown that family members of the mentally ill and disabled are at higher risk for all sorts of diseases and early death, and for them to add on to their stressful life this mission of changing legislation is something to be admired. I congratulate them here today and look forward to doing so in more detail later and honouring their commitment by talking about their families, with their permission, during my debate.

I would also like to say that the process, although I was not at all the hearings, was an honourable one. All members on all sides of the House truly want to work together to make this an excellent piece of legislation, and I commend all my colleagues for that.

The Acting Speaker: Response? The member for York North.

Mrs Munro: My thanks to the members from Thunder Bay, Beaches-East York, Durham and Hamilton Mountain for their comments.

The question that has been raised in terms of the balance that must be achieved—the member for Durham, as others, talked about it—is something this piece of legislation tries to do. There are certainly areas we have heard of that people have raised some concerns about: the question of balancing community safety and individual rights. I'm reminded of a comment, though, that came from a deputant who referred to this as providing the freedom of care as opposed to the freedom of neglect and isolation; and recognition of the fact that so many people do need the rights advisers, do need all of those supports in place, but, as the member from Hamilton Mountain has suggested, they also need to have a wider variety of tools. That is precisely what this is designed to do.

Something else that was mentioned, I believe by the member for Thunder Bay-Atikokan, is the need for community supports. I think it's important to recognize that in the legislation one of the criteria for introducing a community treatment order is that those supports are there in the community. So there is an onus of responsibility, and the minister's references to the 51 ACT teams, as well as a number of other initiatives, speak to that issue.

The Acting Speaker: Further debate?

Mr Parsons: Speaker, I will be dividing my time with the member for Hamilton Mountain on this.

In my one year in the House, this bill is different from any other bill that has come before us. We've heard the government side speak with some pride about the consultation process that has taken place, and I think they should be proud of it. It has been a very open process and I would suggest should be a model for all the bills that have come before the House. I'm sure it was an oversight on the part of the minister to refer to the groundwork that was done on this by the member for Ottawa Centre, who for some five years worked and put together proposals for it, and how pleased we are on this side to see those proposals adopted.

I would suggest that I would like to see the same energies go into a bill dealing with those of our citizens who are required to use a wheelchair or are hearing-impaired or have vision difficulties. They equally need our support and our assistance, and they have not seen done for them what should be done.

I'm sure there's no family in Ontario that has not been touched in some ways by people with mental illness, by a family member. My wife and I are no different from any other family. However, after the election, I got a much bigger sense of the challenge that faces this province: families coming into my office saying they need help for a loved one, absolutely desperately looking for help, trying to do the right thing in trying to help one they loved dearly but who needed help and was not capable of making decisions for themselves, as one would have liked.

1630

I've had police officers tell me that in my community at times the mental health services consisted of their taking an individual and sitting in the waiting room of the emergency ward in the hospital for, sometimes, the entire night. That's not a help for anyone; the individual is off the street and out of danger to themselves, but it wasn't helpful for them.

A major shock for me, when coming to Toronto last June, was the number of individuals I saw sleeping on the streets, or sleeping in alleys, or sleeping in bus shelters. These are not people who are too lazy to work; these are individuals who need our help and assistance. I believe this bill will go a long way in doing that, because as we've heard so often, we need to be concerned about individuals whom society may treat as being a danger to society—and that I believe is true in some cases—but in far too many cases are a danger to themselves. We have that obligation as a citizen and as a human, to help them.

I certainly am going to support this legislation, but I support it with some reservations. I support it because the bill is a compromise between safety—protection from danger for the individual and society—and the loss of individual rights. The legislation, as it's presented, I'm comfortable with. In my mind, the key lies in the implementation of it, because too often I have seen this government use a different yardstick when delivering service for the well-to-do and for others. If you're wealthy and healthy in this province, then the best government is

no government, a government that uses the Red Tape Commission to get rid of rules that would affect you in any way, a government that prides itself in not wanting even to be involved in taxing you—minimum taxes. If you have money, this government doesn't want to be involved with you.

But I think there is the risk that this bill is dealing with a group that is measured by a different yardstick, that is not wealthy, is not healthy but in fact may be best defined as vulnerable. And for people in Ontario who are vulnerable this government wants to be an in-your-face government. It wants to control every aspect of your life. It says, "If you do not have anything, you shouldn't have anything," and we see liens put on the homes of people who have had an unfortunate incident in their life and have been on a workfare program for a year. This government wants to tell people who are on workfare exactly where they will work and when. It wants to tell them that they are going to have uniforms, that they are going to have to be drug-tested or whatever. We see different yardsticks used for different citizens, and from that point of view, I am concerned that we not use a different yardstick for our most vulnerable citizens.

There have been some amendments brought forward, and I certainly have to commit that my support is contingent on these amendments coming forward. We've had the member for Ottawa Centre already refer to them as he put them forward, but the one that particularly struck me is that the initial approach of community treatment orders again presents the big government, Big Brother concept. I certainly support the word "agreements" rather than "orders" in the legislation.

An advocacy office: All too many of these people need a voice and they need someone to speak for them, and there must be an advocacy office established. A bill of rights: Who can order treatment? And for the family that's involved, some liability protection for the family or for the people who are in the position of making the decision, the substitute decision-maker. I believe that families genuinely try to do what they believe is the right thing. What may appear to be the right thing to a family may not look that way to neighbours, may not look that way to the individual or close family member they're trying to help. I have no hesitation in saying that families try to make the decision that is in the best interests of their loved ones, but I believe there needs to be protection for them, to reduce or eliminate their liability for trying to do the right thing. When a treatment order or a treatment agreement is in place, there is a tremendous responsibility on the part of this government to make it work.

Talking as a member from an Ontario riding that is predominantly rural—our largest city has about 37,000 or 40,000 people—the critical shortage of beds for people who need treatment has always been the case. In fact, the lack of professionals in small-town rural Ontario is a continuing crisis. I'm in my 24th year on the board of directors of the children's aid society. Many of the children in our care need counselling, need support for mental needs, and it doesn't exist or it exists in such limited numbers as

to be absolutely frustrating for the children who need to begin treatment, need to begin healing right away and instead go on long waiting lists.

The housing waiting list for all communities is desperate. In certain parts of my riding it simply doesn't exist. In desperation one day, we contacted Toronto to see if there was social housing available. The response was that there's a waiting list of 55,000 ahead of my constituent, who was prepared to move anywhere to get some housing and get some support. A waiting list of 55,000 means that in effect it will never be available to her whatsoever in the foreseeable future.

I have had the opportunity over the past year to interact with various groups that are involved in providing mental health supports. I think one of the challenges facing all communities is the loneliness that exists for some of its citizens. As a society, we can easily be afraid of people who have a mental illness. We're not afraid if someone has a broken leg, we're not afraid of someone who's visually impaired, but it's very easy to be afraid of someone who has a mental disability, when we shouldn't be. I'm not a professional in that field, but I suspect we worsen the condition when we avoid them.

I had the opportunity to visit and in fact spent much of a day and lunch at a home in Belleville called Club Freedom, a drop-in centre for people who have schizophrenia. In fact, it's open to any range of people with mental challenges. It was an opportunity for them to interact. I went there not knowing what to expect and had an absolutely delightful time, and it's my intention to revisit.

I believe we need to recognize that along with hospital beds and professionals, we need supports, that they're not simply getting treatment for half an hour a day, but we're helping them to live a full and complete life.

I compliment everyone from all parties who has been involved in this. I believe this is a good piece of legislation that I am convinced will help my family member and I'm convinced will help so many others in Ontario.

Mrs Bountrogianni: I'd like to thank my colleague and congratulate him for his remarks. I know from personal conversations with him that he has helped many families in the last 20 years, and has been exposed to mental illness with his foster care involvement as well. I congratulate him for his personal commitment.

As I said earlier, I'd like to also congratulate the other members from Thunder Bay-Atikokan, Ottawa Centre, Stoney Creek and Beaches-East York, the members who were there consistently. I was at a few of the hearings and I was startled by the extreme reactions from the presenters. On the one hand, you would have stark fear from groups representing the mentally disordered that they would be discriminated against. On the other hand, you had families, mostly of schizophrenics, who were afraid this law wouldn't pass. There were all sorts of research studies and some of them seemed to me, as a former researcher, contradictory. That analysis had to be done by that committee. I congratulate the committee

because the amendments reflect an understanding of the issue, as well as of the solution to those contradictions.

We have to be vigilant with our amendments to ensure that this discrimination does not occur. I concur with my colleague that discrimination only worsens the situation and, from a very pathological point of view, increases the pathology, increases the paranoia, and the cycle continues.

1640

I would also like to reiterate the need for resources. I was listening carefully to the minister earlier. I'm not going to question the increases—perhaps there were increases—but there are also increases in that population, because we have got very good at diagnosing mental illness in the last two decades. Our problem before was that we didn't diagnose and most of them ended up either homeless—some still do, obviously—or in jail, instead of getting the treatment they deserve.

I want to focus on one part of this bill and that is on the word "imminent." Some groups wanted us to put that word back in so that a police officer or a physician would have to see the imminent threat. I would say it would be a mistake to put that word back in because in this field—it's not an exact science; it's not like other parts of medicine—behaviour is very inconsistent. As we know from the case studies that brought us to this point, the Antidormi case and the Brian case, quite often illness can subside and for a time seem like it's non-existent, and quite often that occurs right after a violent attempt or attack.

I would like to give an example that is why I said earlier I would really like to turn the clock back. Some of my former patients may have had a chance. One young man, Mark, although he was 18 and considered an adult, was still in school. He was very suicidal, was on medication, was undiagnosed for years and years and finally got diagnosed. One day the guidance counsellor called my office, in my former profession as a psychologist for a school board, and said: "He's threatening to take these pills. He's waving these pills." I would say that's a pretty imminent threat; lots of witnesses around. I said, "Call the police and also call his doctor." His doctor said: "There is nothing I can do. Take him to emergency."

We've been there before with kids from the school system and I'll tell you it is the most frustrating experience to take a student, or anyone for that matter, to emergency, whom you know, had there not been a witness or another human being nearby, would not be breathing, and then we'd have to wait in the waiting room for five or six hours.

To make a long story short, this was October. I remember that because it was the O.J. sentencing that day and we sat there with the patient for five hours looking at the O.J. sentencing. He was seen of course by a nurse, as is procedure, then by a physician, and then by a psychiatrist. By the time he told his story the third time, there was no emotion left. It was as if we were talking here today. The psychiatrist said: "There's nothing wrong with this kid. Take him back to the guidance counsellor."

He just needs some problem-solving techniques." It was the guidance counsellor who made the first call, by the way, and was terrified that this—to make a long story short, he went home. By the way, his mother didn't come because she had had it at this point with years and years of this kind of behaviour from her son. She didn't even come to the emergency. This young man was alone, really alone. In January he really tried and he almost made it and he was in hospital for weeks. It was only then that we became more vigilant as a community about his medication.

I can name hundreds of these examples. In our school board alone, we do 1,000 diagnoses a year. In the years I was there, that was 10,000 diagnoses. Five per cent of those were more of the mentally disordered rather than the learning disordered. You can imagine how many kids we see, whose families, by the way, also tend to have this history; those families don't have protection.

I have to also say that resources—I appreciate the minister's announcement and the minister's referring to the increase in resources—have to start early. Whether this government did the cuts to education, whether the amalgamation of school boards caused the cuts to special education, I can tell you there have been cuts. In my board we had classes for the behavioural disordered and our research showed that those were the most effective classes. Once those kids spent a few years one-to-one with teachers and with therapists, their prognosis for high school and beyond was much better than those, believe it or not, who were integrated. That went sort of against the grain, but that is what our research found. They needed that one-to-one.

Another case study was of Dean Voukelatos. He is now 33, but he was diagnosed 12 years ago with schizophrenia. Time doesn't permit me to go on and on about what his family has gone through, but this young man was a grade A student, had his own business while attending university and getting A marks, had 150 people working for him before he was diagnosed, and then ended up basically hiding in alleyways and his mother chasing him in alleyways. The system failed him over and over again because as an adult he had the right to say no to help.

This legislation won't solve all of Dean's problems, particularly if there aren't the resources out there, but it will give his family and his physician one more tool to attempt to help him to take his medication, because according to his family, when he's on medication he's fine. He's an intelligent young man, though, and he knows how to manipulate the system. I can tell you from my experience, patients know how to manipulate the system. "Mentally disordered" is not equivalent to "unintelligent." Their paranoia at times forces them to do that and that's their reality, whether it's true or not to us, and their reality is what counts.

I also want to read a small section from the nurses' association written submission: "Despite all of the planning that has gone into reform of the mental health system, the absence of a mandated basket of services

with established service standards is a significant and glaring omission." The nurses' association, by the way, supports this bill but points to the need for resources.

"This basket of services should include not only those programs and services referred to in policy documents but improved and expanded mental health promotion, mental illness prevention and early intervention services, together with ancillary and other related services such as housing," which was mentioned earlier, "employment, education and income security. It is the combination of treatment and community and social services that will successfully maintain individuals in community settings."

One of the frustrations in being a psychologist in the school board was we could diagnose a learning disability but when there weren't the resources to help a learning disabled student, when there weren't the resources to help the behaviourally disordered students, we were almost setting the kids up for disappointment. I hope this doesn't occur here, that we have this tool for setting up this population that sees this almost as a panacea for their kids and for their family members and then we disappoint them. This law will be an exercise in futility if we don't have the appropriate resources. We will be setting up families with expectations that we will not be able to meet, and that, in my view, is a bigger crime than not having this law.

The responsibility is huge and it's heavy on our shoulders. The amendments are a first step towards meeting that responsibility and we all need to be vigilant to make sure they're implemented properly.

Another set of resources, the Dawn Patrol I mentioned two days ago in my member's statement, is being reduced. These are services for kids and youth with problems, some psychiatric, some in trouble with the law. Prevention is key. Let us not ignore the other aspects of mental health which include prevention by focusing only on Brian's Law. But I support the law.

The Acting Speaker (Mr Michael A. Brown):
Questions and comments?

Mr Clark: I'd like to read into the record a mother's statement about her daughter:

"My daughter once tried not taking medication. She eventually withdrew to her room, where she fantasized herself to be held prisoner by aliens, who were sending vibrations from outer space. She could have starved to death had she been living alone."

I assume it's hard for anyone in this House to understand, to even try to empathize or sympathize with someone who starts to hear voices. It's not a fantasy world for them. It's real; it's really happening; they're hearing it. I think this bill goes a long way to help us help those seriously mentally ill people, and I think that's why all parties in this House have worked so hard together to put aside differences to try to develop a really good bill, because they understand the true magnitude of the problem and what we're trying to accomplish.

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The number of people who have called me and spoken to me about suicides, acts of violence in their home, desperate to get their son or daughter to come home—they've run away; they're not taking their medicine. There's nothing they can do. There's nowhere they can turn. I've got to tell you, that was the hardest thing for me to hear, being a legislator, knowing there was nothing I could do under the law to help these people, because the law was flawed. We couldn't do anything. That's why I really strongly support this bill and I encourage all members in the House to work with us to develop the best piece of legislation we can possibly develop.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): First of all I would like to thank the members for Prince Edward-Hastings and Hamilton Mountain for their well-thought-through speeches. I know that this bill, of which I'm very supportive, is a step in the right direction that will assist patients and clients. I know that we've had some very sad incidents in our part of Ontario, people not taking their medication who set fires, and I've had many of my constituents come into the office with family members, trying to hurry up this legislation. I know they thank all the members who worked so very hard to bring us to what we have today. I know that maybe it doesn't do everything, but it's a step in the right direction. All the parties and different members have worked together. I think this is a very serious issue and it's one thing that I like to see us united on and all in support of this legislation. There's been really sad incidents where it ended up that some of us had to go to funerals of people who didn't take their medication.

I am pleased to be here to support it and I hope it gets early passage because it's long overdue. I once again thank all the members who worked so very hard on this legislation. I hope it becomes law very shortly.

Mr Patten: I would like to point out two things that I think are significant here: One is that we have two members who have been involved personally, professionally, one way or another, in dealing with some members of the mentally ill community. The member for Prince Edward-Hastings, who sat on the board of the children's aid society for over 24 years, is a foster parent with, I don't know, 10, 12, 14 children in his home, a person obviously concerned about the health of youngsters. I thought his expression, "When you're wealthy and you're healthy you don't feel you need too much government"—but of course most people are not and that's where we have a responsibility.

The member for Hamilton Mountain, in her professional background as a doctor of psychology, and working in the school system as a counsellor with some of our young people, in the examples that she illustrated today, shows us that among ourselves, as legislators, we have some personal experiences, and most who have spoken to the issue indeed have identified that fact. Positioning this piece of legislation is not the be-all and end-all. It's not a panacea. Everyone's saying that we need the resources etc. But one thing that the member for Hamilton Moun-

tain did point out, and I personally have seen in my family and in my community and in my professional life as well, is the tremendous loss not only of life but of talent, of opportunities. I know young men and women who are still not able to function appropriately. We have to provide the very best of care. And you know what? We have the expertise to do so. It's a matter of political will to provide those particular resources in the full scale of things in the widest possible area.

The Acting Speaker: Reply, the member for Hamilton Mountain.

Mrs Bountrogianni: I would like to add that we've had the expertise for decades and it's almost a shame that there hasn't been the political will to implement it. I don't want to colour or be negative today because I think this is a good first step, but this won't solve a lot of the problems. This will give us one more tool to attempt to assist the mentally disordered. It may prevent some violent tragedies. As a professional, I see it more in preventing suicide than in actually preventing violence. Violent attacks are much less predictable than suicide. We can predict depression and attempts at suicide much more readily than violent attacks.

If you look at the research, there are a lot of people who threaten to attack who don't—most don't, in fact—so there isn't any correlation or there's very little precursor to know, except another violent attack. If we're fortunate and it's not a fatal one and we can go from there, that's great, but a lot of the time these situations include situations where that's the one and only time someone has attacked and they're actually very successful in inducing death, which is the tragedy.

However, any step in the right direction is something that I would support, and if this will prevent some of the suicides out there, particularly in our young adult population, where it's growing, we do need to support it.

In the few seconds I have left, I would like to commend and give my congratulations to the families who tirelessly advocate for their children and their loved ones in a very complicated mental health system in Ontario.

The Acting Speaker: Further debate? The member for Beaches-East York. This is a leadoff speech.

Ms Lankin: I want to begin my comments on this bill, perhaps uncharacteristically for this place, by offering my sincere thanks and commendation for the work of the parliamentary assistant, the member for Stoney Creek, as he has worked to guide us and our committee through the first stages of dealing with this bill. There has been a genuine attempt on his part, I think, to acknowledge the complexity of what we're dealing with, acknowledge the breadth of public opinion that has been brought before the committee and the genuine interest on the part of members of the opposition and members of his own caucus in doing good work as legislators and working to build the best possible piece of legislation that we can. I appreciate the manner in which he has done that, and the co-operation, and look forward to that continuing as we move through second reading and dealing with amendments in committee clause-by-clause. I want to indicate

to him that, largely as a matter of the goodwill that has been built up through this process, I will be supporting this bill on second reading in principle, moving it to committee.

I have, however, on many occasions through the committee put on the record a number of areas of significant concern that I have with the wording, the structure of the bill, striking the right balance, and I will be seeking support for amendments to address those areas of concern. My support at third reading will be contingent on what unfolds during that process and how much ground we are able to cover in meeting what I think are some very significant areas of public policy concerns that need to be addressed in the amendments to the bill.

I speak to this bill today wearing a number of hats. Yes, I am the health critic for the New Democratic Party caucus, so I bring a critic's perspective to this work.

Secondly, I am also a former Minister of Health of this province and did much work in commencing, under our government, the review of mental health reform leading to the report that was made public under my successor minister, Ruth Grier. Putting People First looked at the need to shift our resources and to enhance in a dramatic way the resources that were available to individuals with mental illness and to their families, the supports that were necessary to help them receive the treatment they needed. 1700

Thirdly, I'm an ordinary citizen. I'm a person with a life who has had experiences. I think one of the things that is most astounding about this area of work in terms of mental health is how virtually everyone can tell you, within the realm of their life and their experience, their family or close friends and acquaintances, how the experiences of those with mental illness have had an impact on them.

I will apologize to everyone, because I'm darn sure I'm not going to be very articulate and well prepared today. I usually attempt to be well prepared, if not articulate. But the last week I have spent doing virtually around-the-clock care in hospital with my mother, who just experienced a bout of what they're calling intense acute delirium—most extraordinary. I had many times, while sitting there with her, an opportunity to reflect on some of the life experiences I've heard from family members who have come forward and who have met with me and who have helped try to educate me to understand the problems that they and their loved ones have faced with getting help from the system—that complete sense of helplessness when you can't reach that person you love, when there's no light of recognition in their eyes, when there's no place in which you can have a conversation that is coherent, where sometimes the words you're hearing aren't even English words that the person is speaking; that sense of understanding when the light comes on a little bit and you realize the person knows they've been somewhere else and that it's very frightening and that there's a loss of sense of control they're experiencing; and again, your complete inability to fix that problem.

To think of that in terms of family members who go through that on a recurring basis, over and over again, the highs, the lows, the bringing people back, through treatment and through medication, to a point of stability, only to see that cycle start again; to think of what that must do, the heavy hearts that so many people carry through these experiences, is profoundly moving and speaks with such an urgency to us as legislators to try and do something to fix that problem.

I also have had an experience in my life with an individual who was suffering from a bipolar disorder who was a significant threat to my life and my family's lives at that time. It was a tragic incident in which that individual ended up dead at the end of that incident. It's a horrific experience to have gone through. But again the family of that individual, who just the day before had been before a justice of the peace trying to get the forms filled out to get that person committed to a hospital to get the help they needed; the person's resistance to taking medication that would have brought stability to their life—all of that leading to this tragedy. It speaks out with such an incredible urgency again for us as not just legislators but governors, because not everything can be fixed by law—but as governors to do the right thing, to understand the complexity of needs and to put the right resources in place to meet those needs.

I have to tell you, though, it is also very compelling to listen to people who have been patients of our psychiatric system, people who have lived with and are living with mental disorders, some of whom call themselves psychiatric survivors. Before our committee we heard from a number of people, some who explained that they choose those words carefully. They take that name of "survivor" to indicate that from their experience, they feel that they had to fight and struggle to survive what the system was doing to them—not to survive their illness, but to survive the nature of the treatment and the problems in getting the help they needed at that time.

I have to admit that this, for me, is probably one of the more difficult pieces of legislation I have ever dealt with in the 10 years I have been a member of the Legislative Assembly. I have felt an emotional ping-pong at times, going through these legislative hearings and hearing from people the very large divide, the great divide that exists between some people who have been advocating for changes to the involuntary committal criteria and for a regime to be instituted, such as a community treatment order regime, and those who fear, and who have legitimate reasons to fear, an abuse of power.

There's no doubt, we have to admit, that this bill does give more power into the system to help those we are describing as the most seriously mentally ill, those whose illness in and of itself leads to an inability to comprehend their own illness, a lack of insight into their own illness and a need for outside resources to step in and to help that individual. But in creating a law to address that small population, the concerns of those who have lived through and have given us very clearly some examples of quite horrific abuses in the past—their fear that this will be

applied to them in an indiscriminate way is a legitimate fear. We can't dismiss it and brush it away.

I was reading the Hansard from last night's opening remarks in this debate, and I have to tell you, one of the members who spoke last night, not the leadoff speeches for the parties but later on—I was so offended reading the remarks. There was a suggestion that—

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): Name names.

Ms Lankin: Well, it was a member of your caucus, and I'm not going to name names at this point in time.

There was a suggestion that those who disagreed with this legislation were activists and shouldn't be listened to, that we should listen to the families of those with mental illness—and I agree that we should—but that the others who are out there, who've got nothing to do with this system, they're just activists. I was so enraged reading that. The sense that anyone who has a criticism can be dismissed hearkens back to the days of the Premier talking about special interest groups and kind of dismissing special interest groups. People who have lived with mental illness, who have been through the system, are an incredible resource for us to understand what happens to people who are caught up in that system, who are released from hospital without the resources there, who can't find housing, who can't find jobs that understand and will accommodate for the nature of their illness, who find themselves in a cycle of life that drives them back into their mental illnesses. That's an incredibly important thing to listen to. To listen to their fear, to understand that their fear is born of experience and not just of their illness, is incumbent upon us, and to dismiss them in such a cavalier way as activists I found quite extraordinary.

There are also polarities of views within the profession. If you talk to psychiatrists and facility-based psychiatrists and then talk to people in community mental health, like the community mental health association—black and white, the points of view they bring forward. Let's at least acknowledge among ourselves that we are attempting to craft legislation in an arena in which there has been not a lot of success in bringing together the views of the parties out there. Would that we could bring everybody in a room and knock some heads and say, "OK, let's get down to where we can agree," because one of the things I'm always struck by is how much agreement there actually is on 90% of what needs to happen in mental health reform and in ensuring that there are adequate facility-based and community-based resources of the broadest and most integrated kind to help the persons with mental illness. There is a tremendous amount of agreement, but the differences divide that community, and the politics of those divisions, the small-p politics of those divisions, are quite vicious. It's a very difficult course to steer, and also then very difficult for legislators to come to a conclusion with best advice, because the advice is very contradictory. As I said, black is white and white is black if you listen to some of the comments with respect to—

Interjection.

Ms Lankin: I'm sorry. Could you repeat that?

Hon Mr Runciman: That's why you never came to a conclusion about community health reform.

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Ms Lankin: The Minister of Consumer and Commercial Relations just indicated I've never come to a conclusion about community health reform, which I think is actually both inadequate and beneath him in terms of a shot at me. I'm not sure where that stems from. It's something that in fact I did a considerable amount of work on and brought forward in terms of Putting People First, a comprehensive approach to what had to happen in mental health reform. If he's speaking with respect to the aspect of community treatment orders, then I continue to have a problem with respect to a regime that is going to bring about the potential of abuse of people it is not designed to address. That's what I would like to get to: to talk about how we make this legislation work in the way in which the government and particularly the parliamentary assistant have indicated they believe it should.

One other preliminary comment I will make is that when I speak about a balance being struck, I speak about a balance between public safety and adequate and appropriate and compassionate treatment, not about a balance between public safety and individual rights. That's been alluded to by members of the government somehow as the characterization of the balance that some critics of the bill have brought forward. Yes, I think all of us as legislators in Ontario must always be consumed with the need to ensure that civil libertarian rights are guaranteed, that basic human rights are guaranteed. I heard nothing from any of the presenters, the people who are the strongest advocates of this bill, like members of the schizophrenia association, that contradicts that desire to ensure that all basic rights are respected. In fact, in their presentations they went out of their way to stress that. I think that's a red herring and a false debate to bring forward.

But the debate between public safety and an appropriate mental health system I think is an issue of balance. It's interesting. The members of the government who have been part of the committee speak to this bill in a very different way than the members who have not taken part or had the opportunity to listen to the breadth of presentations that we have heard. The words that come from the other members, whether they are from some kind of briefing notes or the initial announcements and public relations documents that accompanied the introduction of this bill, are often around public safety. It's one of the things that people who have experienced mental illness and lived through that system who came before us objected to most strenuously: the characterization, the stigmatization that is happening through those kinds of comments and that casting of a public safety agenda on this bill, the way in which it pigeon-holes persons with mental illnesses as dangerous people.

There is a population within those who have mental illness who are a significant danger, most often to themselves, secondarily some who are a significant danger to others. We know, in particular, from the work that has

been done prior to this bill by many of us during the time we listened to presenters, that those who suffer from psychopathic illnesses and those who suffer most particularly from acute paranoid schizophrenia are people who will experience some kind of violence in their lives. Many of them will be the victims of violence, whether at the hands of others who misunderstand their disease, who are afraid of them or who are prejudiced against them; many at their own hands in terms of suicide, and you've heard other members speak to the statistics there; some at the hands of law enforcement, again because of the situation as they present themselves and a lack of adequate support and resources and training for our law enforcement officers to meet those kinds of situations; and some who will be a danger to others, as is noted in the naming of this law.

There are many other people's names which could be added to the title of this law, not to mention the Antidormis, who lost their son Zachary, and who wonder at the name of the law where they're not included. What about Edmond Yu? What about the number of people who have leapt from the bridge at the Bloor viaduct? What about the people who have tried to get treatment and whom the system has failed? There could be a more balanced approach. What I will try to do in the amendments I speak to is talk about trying to strike that kind of balance.

A number of people who have spoken—the parliamentary assistant and the lead speakers for the official opposition—have talked about the very small population that would be appropriate candidates for community treatment orders. It is so important to stress this again, because when I listen to other members speak—I listened to a member just a few minutes ago who spoke about being struck by the number of homeless people in Toronto and a number of those who of course we know are suffering from mental illness and about how this bill's going to help them. Well, those aren't the people who will be addressed by this bill. Many others in this House have, I think, misunderstood the intent. But it does speak to the reason many people out there are concerned about how this bill will be interpreted. I specifically want to take up some of the suggestions that have been made during the hearings that we need to accomplish in one way or another a clinical narrowing of the application of this bill and the provisions within the bill.

One attempt may be through the preamble. We managed at the end of the first part of our hearings to include a preamble, which all of us agree is not the final wording. Procedurally, we needed to get it in there, because later it would be out of order to introduce a preamble. The preamble is an opportunity to scope the bill in some way, to give those who will eventually interpret the legislation an understanding of the intent of the legislators. That may be one way.

There may also be a way through amending the definition of mental disorder. It's a difficult thing to take on. There are pros and cons that have been pointed out by legislative counsel working with the ministry and others

who have presented. If we rely on other jurisdictions so much for support for many of the provisions of this bill, like community treatment orders and broadening the involuntary committal criteria, then perhaps we can also look to other jurisdictions in terms of their definition of mental disorders and mental illness.

I think you will find that Ontario's is one of the least wordy, most vague and widest open in terms of how it is presented, allowing those in the field to, I guess, use their best judgment. Given that we are taking new steps to introduce new provisions, it may be time to look at a redefinition of mental disorder and mental illness. In fact, many of us have referred to the Saskatchewan wording. The Ontario Medical Association made recommendations that we take a look at that wording. I would hope the ministry will seriously consider that.

There are a number of aspects of this bill, but there are two key aspects I want to address and then two or three more minor areas that I want to put on the record some concerns with. The two key thrusts of this bill are, first of all, the broadening of criteria for involuntary committal into a psychiatric facility, and then the establishment of community treatment orders being the second area.

If I can begin with the broadening of committal criteria, many people will know that one of the amendments is to eliminate the word "imminent" from the language that a physician or a justice of the peace must consider when issuing an order to take someone to a hospital for a psychiatric assessment. The experience of families has shown us that the legislation, as it was interpreted at least, presented real barriers in getting help for people when they needed help.

If you look at what the words actually were, if you look at the court's interpretation of those words—"imminent," for example, has been interpreted as meaning up to about a three-month period—there's nothing in the wording of the law that in and of itself presented a barrier, but there was everything in the way in which it was interpreted. Despite efforts to go out and educate people, people respond to the clarity of what they see, and the word "imminent" has a meaning perhaps in law with lawyers and courts and has a different meaning for you and I when we're talking to each other. We surely must do the best we can as legislators to give laws the clearest and plainest language so they are most understandable by all. The removal of the word "imminent" is entirely understandable in the context of people's experience.

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Having said that, having no time reference at all is equally open to interpretation and equally open to bad interpretation as the interpretation of the word "imminent" was. The very fact of removing it is going to be interpreted by some people out there as suggesting there is now no time frame within which the impending changes in a person's physical and mental state need be considered, and it might lead to consideration only of past experiences.

It has been suggested that one way around this is to actually give some clarity. If the courts have interpreted in the past that a reasonable period of time, looking to the future, is about three months, why don't we say that? I'm not hung up on the length of time here. Let's talk seriously about who the target population is, how the disease pathology works and how we want to be able to step in in a timely fashion. But it would be wrong to replace badly interpreted laws with laws equally open to bad interpretation, so let's get clear. My suggestion is that we remove the word "imminent" but that we specify what we're talking about in terms of time frame.

Similarly, there are some words in sections of the tests—and they're repeated whether you're talking about a physician or a justice of the peace—that talk about "substantial" physical or mental deterioration. They talk about suffering from a disease "the same as" or "similar to." Again, I find some of these words very imprecise in terms of legislative drafting, in terms of saying what we mean and meaning what we say. I would seek advice from the parliamentary assistant with respect to this.

If we are to attempt to strike the right balance and to assure people who are not intended to be covered by this legislation that this broadening is not going to bring a whole group of new people into the regime of involuntary commitments who aren't intended to be there, that the changes are intended to make it easier for those who eventually have ended up in psych facilities, and we know they need that help, for them to make it, then let's take a look at the wording there and see if there's something more precise that we can bring forward.

I want to raise a particular concern about the section dealing with a justice of the peace. The amendments here mirror the amendments that are being put in place for a physician being able to fill out a form 1 and order a psychiatric assessment. My concern about it is that we are now asking justices of the peace to make a determination about whether an individual has a disease that responds positively to treatment, whether they are likely to suffer a substantial physical or mental deterioration, whether they are suffering from the same disease they've had in the past or one that is similar to it. A justice of the peace is not competent to make that decision. Those are medical terms and medical assessments, and it is the wrong test to put before a justice of the peace. I fear that families who go there to try and make their case are going to find an even greater barrier than they've had in the past with the inclusion of those kinds of tests, not to mention whether the College of Physicians and Surgeons is going to be agreeable to a justice of the peace making those kinds of determinations, which are medical determinations. The case before a justice of the peace should be evidentiary-based. The changes that are being made to the sections in terms of people's behaviour in the removal of the word "imminent," those changes are changes that will make it much easier for families to present their case. But this other second set of criteria I think is entirely inappropriate, and I raise that as a concern for consideration.

There are a couple of minor things I'll just mention. There is language in the form 1 section for a physician who is issuing an order for a person to be apprehended to be taken for assessment. In the criteria, it refers to where in the opinion of the physician the individual is "apparently incapable" of consenting to treatment. Doctors must make decisions every day about whether the patients they are offering to treat at that point in time are giving informed consent. It is part of the patient-doctor process. If there is a lack of capacity, the doctor must seek substitute decision approval. There can be no other level or grey area of apparent incapacity and so I seek to have that word "apparent" removed. Everywhere else in the legislation, for example, once the assessment is done, if a person is being involuntarily committed the wording's very clear: The person has been found incapable. It must be consistent. Having pointed this out to the ministry, I think they're in agreement. They were unable to explain why that word "apparent" had been put in there and they agree that it is not a legal standard, "apparently incapable." You either are or you aren't.

I also want to make a side comment about issues affecting policing resources. One of the things we know has happened in the past—the language that a police officer must see and observe the behaviour which would lead them to believe they could take a person for a psychiatric assessment is being changed to the police having reasonable and probable grounds. I have spoken with a number of police forces who have indicated that they don't have any comment on the change in the law in itself—it's up to public policy and to the legislators—but they have asked us to please understand and acknowledge that there will be a need for increased policing resources, particularly given the problems at the receiving end when you go into a hospital, whether it be a psychiatric hospital or the emergency room of a general hospital, with the huge problems of delays in getting attention, treatment and admission into the hospital and the requirement for the police officer to remain with the individual. There are potentially very significant resource implications. That is not a reason not to proceed; it is a reason, though, to acknowledge that this is an issue and to address it through increasing the resources where the need becomes apparent for that.

I do want to address this issue of hospital-based resources, though, because by broadening the involuntary commitment criteria we will see an increase in the number of people who are brought forward and who meet therefore the criteria to be committed. I don't know where those people are going to go. I've spoken with the heads of psychiatric departments of a number of general hospitals who tell me now that they are not executing form 3s, they are not committing people who meet the criteria already, because there are no beds available.

We've just had a whole exercise with the hospital restructuring commission, who have done their number crunching based on the law as it was before our making these changes to broaden the commitment criteria. If the idea by these changes, as expressed by the government, is

to make it easier for people to meet the criteria and therefore be admitted and therefore get the help they need, the help has to be there. Surely we need to ask the commission or some successor organization in some part of the ministry, given that the commission's been disbanded, to go back and to revisit those numbers because we have dramatically changed the material situation in which the hospitals will be operating.

I put this to a number of witnesses who came forward, and I have to tell you there were conflicting responses. The Ontario Medical Association said: "Oh, no, there won't be a problem. In fact, we will use fewer hospital psych beds, because more people will be out on community treatment orders. We'll be able to move them out and they won't be taking up the beds." Yet all the way through these hearings everybody else said, "No, it's only a very small population that will be appropriate for community treatment orders, who will meet those criteria."

I'm at a loss to put those two things together in terms of what will happen, but that's what the OMA said. A number of other presenters came forward, including the association of hospital psychiatrists, and said quite the opposite. They said we need to understand that while they weren't disagreeing with the changes, there are implications, and if we are to meet the demand we will create by these changes we must add psychiatric beds to the hospital system.

One of those psychiatrists sent me a copy of a study. I just have the summary of it here, but the study is back in my office. It was done in the United States and it looked at the consequences of changing the committal criteria in Washington state in 1979. There, they broadened the commitment criteria from "dangerousness," and that's that sense of imminence that we're removing, to "grave disability," meaning someone who is in need of treatment because otherwise they would mentally deteriorate. It parallels what we are doing here in Ontario.

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The study examined data for two years before the change was implemented and two years after it was introduced. The study showed a massive increase in admissions. In year one there was a 45.2% statewide increase in involuntary committals to state hospitals. In the next year it shot up to a 91% increase. So they almost doubled the hospital bed population—the number of admissions, I should say, to be more accurate; the number of admissions, involuntary committals.

Surely this supports the contention that at the very least the ministry must take steps to go back and look at the work that was done by the hospital restructuring commission before we continue to close psychiatric hospitals, which is going on in the province right now, and before we see some of the general-hospital-based bed closures that have been suggested. We need to go back and look at that because I guess the end result will be amazing emergency rooms and a lot of horror stories that I don't think the government intends or wants to be a by-product of this change in the legislation.

I want to talk now about community treatment orders. I should indicate for the record that there are a number of other technical amendments I'll be putting forward, but in the time I have here I want to hit the larger public policy issues.

We heard very clearly from one of the experts who came who was involved in the drafting of the legislation in Saskatchewan, Dr Elias. He was actually quite surprised at the wording of our community treatment order section, that a person didn't have to be found incapable before being placed under a community treatment order regime. It is an interesting context that the government has set up with respect to this. They call it consent-based, but if you read through the provisions, there is very little room for anyone to actually consent. It can be consented to on their behalf by a substitute decision-maker, and that's appropriate, but it's not consent by the individual.

Again, if we're talking about this very small part of the population who are the most seriously ill, who because of their illness lack insight into their illness and an ability to make good decisions for themselves with respect to their health care, then how can we say they're capable of consenting to this?

They can give prior capable consent, prior capable wishes, under the Health Care Consent Act. There is something that has been nicknamed through the courts the Ulysses clause. If I have recurring illnesses and during a period of wellness indicate that if I start to decline again and I refuse to take my medication and a number of things happen, this is what I want done, that I want this kind of intervention—for example, the community treatment order structure—that can be abided by and can be evidence for a substitute decision-maker and a doctor to proceed. You don't need a community treatment order law for that; that could happen. But the reality is that's not happening a lot. People don't understand that a lot.

What I'm addressing here is the reality that the people we are talking about are not people who are going to be capable of giving consent. Therefore, the safeguards that are in there need to be very clear. I want to mention a number of them.

There's a preamble to the CTO section that talks about it being less restrictive. It shouldn't be in the preamble, it should be part of the criteria. The real concept here is that this is an alternative and a better alternative to hospitalization. It's a preventive intervention. It's a way of trying to keep a person maintained healthily in their community. If an individual seeks to challenge aspects of the community treatment order, one of the aspects they have to challenge is whether or not this is less restrictive for them.

Given the number of people who came forward who made very impassioned speeches about the nature of the chemical treatment of disease and the effect and impact of that, and the choices they wanted to make in their life—a choice as to whether to remain institutionalized free of that drug and seek other forms of treatment, or whether to have that drug in the community, is not one

that they would be able to make because the community treatment order structure does not allow for that, but they should be able to challenge. So that criterion of less restrictiveness should be actually in the CTO criteria.

The concept of a minimum basket of services that are available in every region of the province, and standards for those, and standards for community treatment orders, I think is a huge gap in this legislation. I want to refer members to a piece of legislation that was enacted I think around 1993 or 1994. It was the Long-Term Care Act. It's legislation that has never been proclaimed and implemented; instead the current government came forward with a different piece of legislation that created a different model of delivering those services. But the other legislation, which is still sitting on the books, has a provision in it with respect to long-term-care services. That's a minimum basket of services that must be available in all regions of the province, because one of the things we know is that what you might find here in urban Toronto in terms of what's available is very different than what you might find if you go to my colleague's community in Sudbury or if you go to some rural communities. We've heard about the awful lack of services in the far north. We must strive to reach a point where there is agreement about a minimum basket of services and we must strive to ensure that they're available in all communities; otherwise we will see the inaction and reality of these community treatment orders unimplementable in parts of the province.

One of the criteria in this section of the law is that it can only be implemented if the services, the resources, are available. It's very necessary that we seek to address this and that we bring some standards, and that we understand that a community treatment order has to be an integrated, holistic approach. I think the worst thing, and this has been commented on by the health critic from the official opposition, would be if this simply became an order for forced medication, if that was the only element of it. Certainly medical treatment must be a key part of it, but there are other social and community supports that need to be understood to help that person, and that's got to be addressed in the legislation.

One element of that is that there must be no forced chemical or physical restraint. These are standards of basic human rights that we have over the years seen challenged in the courts and established in court cases, and we must make it clear that our legislation does not seek to do that. We are hoping to help people maintain **themselves in the community**, not to find a less expensive way of restraining individuals.

The issue of who can order a community treatment order is one that remains problematic for me. Through the discussions I've had with the minister, I think they have agreed that the concept of just any physician writing a CTO, based on their opinion that the individual would meet the criteria to be sent for a psychiatric assessment—and I want to stress the difference. The law currently doesn't state the criterion that would allow a person to be involuntarily committed—it's the first step of that—and

they don't even have to fill out those forms; they just simply have to be of the opinion the person meets that criterion. I think the ministry agrees that that's problematic and that there have to be physicians with some special training, with some understanding of mental disorders, that we need to put in place the supports and the resources and the education.

One of the requests I made of the ministry was for some background information in terms of what kind of education program they intended to put in place to help families and to help patients, as well as professionals in the field, understand how this law would work, and certainly outreach and education to physicians is going to be a key part of this. But I remain troubled by the fact that the criterion, as it stands now, is simply a physician who believes a person meets the criteria to be ordered for an assessment. I think if we're saying that this is a less restrictive alternative to involuntary committal, we have to know that the person at least meets the involuntary committal criteria. I've put that forward to the ministry and I know they're taking a look at that and we'll see what their response is on that.

The other thing that needs to be built into the legislation—if we don't do it, it will happen through the courts, I assure you—is if an individual is not happy about a community treatment order or the elements, the nature, the content of the order, an opportunity to seek a second independent medical psychiatric opinion with respect to that. This has become in fact the common law in the United States, where community treatment order regimes are in place through court cases like *Rennie v. Klein*, refined by *Youngbird v. Romeo* and a number of others, that have led in certain jurisdictions like California to having a consent decree that provides for independent psychiatric assessment.

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There's even a precedent in Ontario, and that deals with involuntary commitment and treatment orders in hospitals where someone disagrees. For a doctor to proceed, there has to be both a medical and an administrative review, and that means an independent psychiatrist, someone who is independent of that facility.

I would suggest that this bill, by virtue of court cases, can come in a much more organized way if we look at building that into the legislation. One of the reasons it is important for an ability to get a second opinion with respect to the content of the plan is that there are different opinions out there with respect to appropriate medications—what type is appropriate, what's the newest on the market. I should mention that a number of family members have raised the concern that a lot of the best and most effective drugs are not covered by the Ontario drug plan, and that's something we have got to do something about, to ensure that people have access to the best medication. People might want to be able to seek an opinion with respect to what medication is most appropriate for them and we need to have that check and balance in there. That's something we are taking a look at.

I want to move to the last large area and then, in the remaining time, highlight two or three small areas of amendments that I'll be proposing. The last large area I want to talk about is the establishment of an office of mental health advocate. I want to be really clear that I am not talking about patients' advocacy. There is a Psychiatric Patient Advocate Office that exists in Ontario. There are rights advisers. That is an issue that will have to be addressed in the content of the legislation—providing people with the right to access rights advice around community treatment orders. There are not certified rights advisers in all communities. There isn't even a process for certifying rights advisers because they used to always exist within the hospital system. We need to address that.

I'm not talking about individual advocacy. I am talking about systemic advocacy. Here, I want to tell you that there was agreement right across the board from people who presented, of whom I requested this. The schizophrenia association supported this, the community mental health associations supported this, psychiatrists' groups, doctors' groups. There were numerous individuals and organizations that supported this concept. The idea, if I can draw a parallel, is that currently in Ontario legislation there is an office of the child advocate, someone who looks at systemic issues. Perhaps an even better parallel would be to look at what is being introduced in British Columbia. They introduced the office first and got it working and now they're creating the legislation to support it.

It would be someone who looks at the mental health system overall, someone who produces a report to the minister, to the ministry, to the Legislative Assembly in the vein of someone like the Environmental Commissioner or the Ombudsman or the Provincial Auditor, who points out what is working well in the system and what is in need of additional attention from government and the system, who looks at how these different provisions are working with each other, the different aspects of the system, facility, community-based, being integrated, and makes systemic reform recommendations.

I believe this is absolutely critical. We have had—how many?—20-plus years of attempting mental health reform bit by bit in this province. There is no overall watchdog, no one to gauge the success or failure of various government announcements and initiatives. There is no one to keep the pressure on.

It's a pretty lonely place, as an individual with mental illness or as a family member trying to advocate for them, to try and get someone in the system to listen, to try and get someone to understand the problems you have making your way through the system to get the help you need for yourself or your loved one. I recommend strongly that this office be established. In addition to the ongoing systemic review, one of the very specific tasks I think we should charge them with is a review of the success of the implementation of community treatment orders.

For example, where the legislation says a CTO can't be put in place if the resources aren't available in the

community, we should have a report of every time that happens, of when a physician and a family seek to have this done only to find uncooperative or unavailable resources, and they fail to be able to put together a community treatment order. It should be triggered for us, as legislators, to know that we have a resource problem that is making this legislation unsuccessful in meeting the needs of families and of individuals out there.

We need to look at the effectiveness. Is this having an impact on reduced hospitalizations? I can tell you that we were presented with such conflicting research results during the course of the public hearings. In fact, it was very interesting that one of the professional presenters from a US institute, the Bazelon Center, actually went through all of the research data and said to us that most of it was not very scientifically based in terms of the research methods that were used and that only two extensive, thorough and controlled studies were done. The results of those were quite interesting. In both cases, there were limited success stories about CTOs. What they found is that where they had intensive resources put in place for individuals in the control group without CTOs and for those in the CTO group, the results were virtually the same. It was the intensive resources that made the difference. That's across a broad population.

I think what we've heard in testimony and what family members, particularly in the schizophrenia association, have told us is that those few people it did help are likely people who are suffering from the same type of disease as their family members who require that extra little bit. If we can make it work for those people, then we are doing something good, but we need to understand that for the vast majority it's the intensive resources, which are not in place in Ontario today.

The estimate we heard during the hearings is that—while the minister has announced the \$150 million, we can dissect that and there's a little bit of smoke and mirrors in there—the need is \$600 million in terms of resources that must be put in place. I think that's a specific job for a review. I'd like to see a sunset clause that has that review come back to the Legislature in, say, five years, where we can gauge the effectiveness and where we can ensure that if there is a need for amendments, if there is a need for change, that it is back on the legislative agenda.

Again, people who have advocated for these kinds of changes in the laws will tell you how long it has taken to get to this point to have this legislation before this House, and it will not be easy to get it back again, but an automatic sunset review clause that triggers it coming back and ensures that it will be dealt with might be a very helpful provision to have.

There are three other areas I want to briefly mention. The legislation, as it's currently set out, requires that all information be shared with all parties who are going to be involved in a community treatment order. We are talking about health information here. There are health privacy rules that govern, for example, hospitals and hospital employees and doctors' offices. Those rules are

not in place in community mental health. They may have their own ethics and rules that they put in place, but there's no legislative framework for it. It is very problematic to have a piece of legislation compelling sharing of private health information outside the realm of legislative protection of that. I believe the ministry has agreed this is problematic. Until there is comprehensive health privacy legislation in this province, I believe the solution will be to have an explicit clause added to this legislation that indicates that anyone involved in a community treatment order must respect the privacy provisions. So I think we can address that concern.

There are also amendments in this bill to the Health Care Consent Act, a couple of which I find quite problematic. They allow for a physician or for a care facility—and it's particularly the care facility that I'm concerned about—to go before the review board to seek to overturn an individual's prior capable wishes. In the past, it was a family member, the substitute decision-maker, who needed to do that. "Care facility" in the legislation, if you read through, includes a wide range of facilities out there, including the non-regulated rest and retirement homes sector.

We have heard tremendously horrific stories from that sector about abuse in treatment of geriatric patients, of individuals who really belong in a long-term-care facility of some sort, but who have no access to that and have ended up in an unregulated rest and retirement home. Some of them are very good. Some of them are entirely unscrupulous. We should not, in legislation, be giving power to the heads of those care facilities to seek to overturn prior capable wishes without a family member being there and being front and forward in seeking that. So there are some concerns I have about those changes.

Lastly, I want to address the issue of the public guardian's office. There will be increased demand on the public guardian's office as a result of this legislation that must be acknowledged in terms of resources. They're happy to perform the role, but it must be acknowledged. The one area that I think we must be explicit about, though, is that currently the guardian's office does have the authority to take on responsibility, power of attorney for personal care for an individual. But they don't do it as a matter of routine. In fact, until quite recently, as a matter of routine, they rejected that, they refused to do that.

If an individual does not have a supportive relationship, let's say, where there is an obvious substitute decision-maker whom they are happy with, and/or they don't have anybody at all, there has to be someone whom they can invest the power of attorney for personal care with, to whom they can express their prior capable wishes, who can follow through on that. An individual must have an alternative and a choice with respect to this. If there are no obvious choices in their life that fall under the list of people under the Substitute Decisions Act, then they must be able to go to the public guardian's office and the public guardian's office must not be able to reject that request. Again, that can't be implemented without

putting the resources in place for the office. I recognize that. I acknowledge that. I'm sure they're shuddering to think about what would happen if the resources weren't put in place. It's an issue we will need to address.

In wrapping up, as I have indicated, there are a number of other smaller amendments I will be putting forward. I hope we will be able to continue in the very collaborative way the committee has been working. I hope, for the sake of getting good legislation, but I hope most for the sake of those whose hopes are pinned on the passage of this legislation, that we are actually able to put in place something that will work for them.

The biggest heartbreak would be for family members. I see one who is here who has been at virtually every day of the hearings. She was there more than I was. I missed a couple. She's from my own community of East York. I've had the opportunity to hear a little bit about her experience with her son. I've communicated by e-mail with her daughter, who lives in New York. It would be such a heartbreak if we were to pass this legislation—which you have so much hope in putting in place the right protections and help for your son—only for it to fail because we didn't take the time or we didn't pay enough attention to the details to get it right. I hope that's what we are able to do.

We have embarked upon an innovative process of taking this to hearings after first reading. I've indicated that I will support it in principle, with reservations, on second reading vote. Depending on what we're able to do through the period of clause-by-clause and the amendments that we seek to put forward, we'll see where we end up at third reading. I hope the tone the parliamentary assistant has set will be continued.

There is some fear and some rumour that the long hand of the backroom folks in the Premier's office has stepped in at this point in time and is starting to yank control away. I hope that's not the case, because we've actually done some good work together thus far as legislators in seeking to understand the problem and seeking to understand the intent of the government's bill and seeking to understand the desires of people in the community, even those with polarized views about what would be best to make this legislation work.

That's what we're going to try to do as we move through committee hearings. I commit to my colleagues to continue to work in that manner to try to achieve that. I commit to those who will be most affected by this legislation, those who have lived with mental illness, who are living with mental illness and the family members, to do the very best we can to bring about a law that will work for all those affected and that will strike the right balance between public safety and the right to caring, compassionate and effective treatment.

The Acting Speaker: It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

The House adjourned at 1755.

Evening meeting reported in volume B.

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No. 67B

N° 67B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 6 June 2000

Mardi 6 juin 2000

Speaker
Honourable Gary Carr

Président
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 6 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 6 juin 2000

The House met at 1845.

ORDERS OF THE DAY

SAFE SCHOOLS ACT, 2000 LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Mrs Ecker moved second reading of the following bill:

Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / *Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.*

Hon Janet Ecker (Minister of Education): Mr Speaker, I'd like to alert you to the fact that I'll be sharing my time with my caucus colleagues from Barrie-Simcoe-Bradford, Niagara Falls and Brampton Centre.

Respect and responsibility are certainly important parts of ensuring that our schools in our publicly funded education system are safe. With the introduction last week of the proposed Safe Schools Act, our government is taking the steps necessary to ensure that Ontario's school system is the safest and the best it can be.

If this Legislature approves this legislation, Bill 81 will give authority to the provincial code of conduct that I released in April. It will also give the government the ability to proceed with a number of other initiatives that will promote respect, responsibility and civility in our classrooms.

I am certain that students, teachers, staff, parents, every member here, regardless of where they live in Ontario, all agree that a safe school environment contributes to student learning and to quality education. This legislation will do what we all want. Recent public opinion polls indicate that the vast majority of Ontarians support the government on this issue and support passage of this bill by the Legislature. The bill directly addresses what people have been telling us they want for their schools. We have heard the concerns over and over again about behaviour, about discipline and especially about safety in our schools.

We promised in our Blueprint election platform last year that we would take action to ensure that respect,

responsibility, civility and safety were a fundamental part of our education system. With Bill 81, we are doing what we said we would do. If passed, this bill will have a code of conduct and the code of conduct will provide everyone involved in publicly funded schools with a set of clear expectations for behaviour. The code also sets out clear, mandatory consequences for students who commit serious infractions.

We all know our rights as citizens, but these rights also come with serious responsibilities. Whether you are a student, parent, teacher, principal, school board official or community member, the code of conduct makes your role and responsibilities abundantly clear. When the rules are clear to everyone, students can concentrate on learning and teachers can concentrate on teaching.

It is the case that schools in Ontario, we know, are already required to have various rules and various codes, but we've heard very clearly that there are many inconsistencies across the province and that these codes do not always work as well as they should.

If passed, this bill will ensure that there are clear, province-wide standards, especially for the most serious infractions. School boards will have to meet these expectations of the new provincial code of conduct, as they do with other provisions in the Education Act.

I am confident that boards will support these efforts to create a safer school environment. In addition to the province-wide code of conduct, boards will continue to establish their own procedures and set consequences for less serious infractions.

I think it's important to note that the code of conduct reinforces the principles that we first put forward in our Ontario Charter of Education Rights and Responsibilities. The charter states that every student has the right to a safe learning environment; that students have the responsibility to respect themselves and others within the education system; and that teachers have the right to be able to maintain order in their classrooms.

With these principles in mind, we have developed a code that holds everyone to the same high standards of accountability. The code would make an expulsion hearing automatic for students who bring weapons to school, who provide drugs or alcohol to others, who commit physical or sexual assault, or use or threaten serious harm with a weapon. Suspension would be the minimum penalty for possessing illegal drugs or alcohol, for threatening or swearing at teachers, for vandalism, for uttering threats of harm to others in the school community.

This government believes that parents and community members are important partners in the education system. Their involvement makes a major difference in their schools and in their child's education and in their child's achievements. This legislation clearly recognizes that role by ensuring that the school council be involved when a school board is developing its code of conduct and its safe school policy.

People have also told us that they want classrooms that are conducive to a respectful learning environment and schools that promote responsibility on the part of our students. To accomplish this, we believe that teachers need to have the appropriate authority to take action in their own classrooms to keep their students and themselves safe. We believe that principals need to do the same for their schools. That is why, if this legislation is approved, Bill 81 would give teachers the authority to suspend students for one school day. Suspensions that warrant more than a day will be referred to the school principal. Principals, as is the current practice, will continue to be able to suspend students for up to 20 school days. This bill will also extend to principals the right to expel students for up to one school year. Depending on the circumstances, a principal may also continue to refer students for expulsion by the school board as is currently the case. We have taken this important step, we have extended this authority for both teachers and principals, because we believe it will help promote safe classrooms and safe schools. Our plans are, to have this authority extended, that this will take effect over the next year.

As I said when I first introduced the code of conduct, every use of authority must be balanced with the appropriate checks and balances, with the appropriate due process. That is why we have built in those checks and balances, we have built that due process into these legislative proposals.

If it passes, Bill 81 would give parents or guardians the right to appeal an expulsion by a school board or principal and a suspension issued by a principal.

Our consultations over the past two years have told us that people not only want consistent standards and respect and responsibility back into the classroom, but they also want supports for students who have been expelled or suspended. We certainly agree. Sending these kids out on the street only puts the problem somewhere else and actually creates additional problems, not only for those students but also for the community. That is why Bill 81 will also set out mandatory requirements for students who have been expelled to attend strict discipline or equivalent programs in order to earn their re-entry back into the regular school system.

We know that most expelled students want to continue their education despite the challenges or difficulties they may be having. By making a strict discipline program or equivalent program a condition of re-entry into the regular school system, we are providing the structured approach needed to help these young people turn their lives around. In addition, studies have shown that these

kinds of programs may reduce an expelled student's further involvement in violent or disruptive behaviour.

The amendments in Bill 81 will allow us to develop a strict disciplined schooling program that would include the appropriate mix of academic and behaviour skills training. We will continue to consult with our education partners as we design and develop these programs further. Our plan is to fund a number of demonstration projects over the next year to see what works best before phasing in such programs province-wide.

Parents and guardians also want to see appropriate programs for students who have been suspended, because suspended students can often fall further behind in their schooling. If passed, Bill 81 would give us the authority to make sure that all school boards are providing the structures and supports for suspended students so that they can keep their heads in their books, correct their behaviour and stay out of further trouble. Some school boards in Ontario already offer different kinds of programs for suspended students, where they can keep up with their studies and gain valuable life skills, such as anger management and conflict resolution. But we want to make sure that we have the best programs and that every school board is in a position to offer them for suspended students and also for expelled students.

We certainly recognize that teachers can't teach and students can't learn if they are in fear for their safety. As I said when I first introduced the Safe Schools Act last week, in too many classrooms across the province, this is still the case. Bill 81 would allow for such things as criminal background checks for anyone working in a school, to better ensure the safety of our students, our staff and also our volunteers. This requirement, like the standards of behaviour in the provincial code of conduct, will begin to take effect this fall.

Bill 81 would also allow the government the authority to issue guidelines to school boards, guidelines which would allow for a majority of parents at any school in Ontario to have a dress code or to require a uniform for their children, something that I found in my consultations and meetings to be extremely important for parents. Many of them want to do this at their schools. Many parents, students and teachers have told me that they believe a school dress code or a uniform is not only one good way to encourage respect and responsibility in schools, but it can also contribute to a safe school environment, so the students know clearly who is part of their school family and who is not.

Principals would also be given the authority under this legislation to ensure that anyone who poses a threat is denied access to school property; another important step to ensure the safety of our students.

To instill pride and respect, the proposed amendments would also require our schools to include the singing of O Canada as part of their daily opening or closing exercises. Schools may also, at the discretion of their school councils, of their parents, include the daily recitation of a pledge of citizenship or some other such reading or recitation.

Bill 81 is about making the rules of behaviour and consequences clear to everyone. It is about clarifying the roles and responsibilities we all share to better ensure that our schools are safe, respectful places to teach and to learn. This legislation is about everyone involved in the publicly funded system—from the board, to its staff, to the principal, to the teacher, to the student, to the government—all of us being accountable for our actions.

The amendments in Bill 81 build on the previous reforms we have made to help Ontario schools deliver the best education possible for all of our students. Since 1995 our education reform agenda has aimed at ensuring that Ontario students have access to the best-quality education. We laid out very clearly, both before that election and before the election last year, the key elements of improving our education system for better quality and more accountability, those key elements, important things like a more equitable student-focused funding formula that makes sure we have more dollars in our classrooms, more resources in classrooms.

We are seeing that shift happen very clearly; a new, more rigorous curriculum, so our students are learning more in earlier grades, more of what they need to succeed after they leave high school, whatever their destination—university or college or directly into the workplace; regular standard tests across the province to ensure that our students are indeed learning that curriculum, so we know if there are problems so we can fix them; standard report cards so that our parents clearly understand how well their children are doing and so they too can be involved in the process of making sure that their own students get what they need in order to succeed. These have all been investments and key steps in promoting better quality and more accountability in our school system.

All the while we have been hearing from parents, from students, from taxpayers that there is a need to build in more accountability. This bill, and the provincial code of conduct that it would give force to, along with our other recent educational quality reforms, will do precisely that.

If we want our students to strive for excellence, we owe them nothing less than our own best efforts to ensure that their schools are respectful places, places that inspire and challenge them, without any fear for their own safety.

I invite all of the members here today to join me in making Ontario's publicly funded education system not only the safest that it can be for our children and our teachers, but also the best that it can be for our children. I believe that supporting this legislation will very much contribute to doing that. Thank you very much.

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Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am pleased to join in the debate on second reading of the Safe Schools Act, Bill 81.

Respect and responsibility are important parts of ensuring that schools in our publicly funded education system are safe. With Bill 81, the proposed Safe Schools Act, our government is taking the steps necessary to

ensure that Ontario's school system is the safest and the best that it can be. If approved by the Legislature, Bill 81 will not only give authority to the provincial code of conduct released in April, it will also allow the government to proceed with a number of other initiatives that will promote respect, responsibility and civility in our classrooms.

I am certain that students, teachers, staff, parents and every member here, regardless of where they live in Ontario, all agree that a safe school environment contributes to student learning and quality education. The proposed amendments to the Education Act directly address what people have been telling us they want for their schools. We have heard their concerns over and over again about behaviour, about discipline, and especially about safety in our schools. If the recent polls are accurate, the vast majority of Ontarians are united on this issue and would support the passing of this bill.

We promised in our Blueprint election platform last year that we would take action and that we would take responsibility to ensure that respect, responsibility and safety are a fundamental part of our educational system. With Bill 81, we are delivering on that promise.

The code of conduct that this bill would give force to, if passed, will provide everyone involved in the publicly funded schools with a set of clear expectations for behaviour. The code also clearly sets out the mandatory consequences for students who commit serious infractions. The code of conduct makes everyone's rights and responsibilities abundantly clear. Whether you are a student, parent, teacher, principal, school board or community member, you will understand your role in the education system. When the rules are clear to everyone, students can concentrate on learning and teachers can concentrate on teaching.

Schools in Ontario are currently required to have their own codes of conduct. But there are many inconsistencies across the province, and these codes do not always work as well as they could. This bill, if passed, will ensure that there are clear province-wide standards, especially for the most serious infractions. I am confident that school boards will support our efforts to create a safer school environment.

In addition to the province-wide code of conduct, boards will continue to establish their own procedures and set of consequences for less serious infractions. The code of conduct reinforces the principles outlined in the Ontario Charter of Education Rights and Responsibilities. The charter states:

- (1) Every student has the right to a safe learning environment;
- (2) Students have the responsibility to respect themselves and others within the educational system; and
- (3) Teachers have the right to be able to maintain order in their classrooms.

The code would make an expulsion hearing automatic for students who (1) bring weapons on to school property (2) provide drugs or alcohol to others, (3) commit

physical or sexual assault or robbery, and (4) use, or threaten serious harm with, a weapon.

Suspension would be the minimum penalty for (1) possessing illegal drugs or alcohol, (2) threatening or swearing at a teacher, (3) vandalism, and (4) uttering threats to harm another.

This legislation clearly recognizes the role of parents, guardians and community members by ensuring that school councils be involved when a school board is developing its code of conduct and safe school policy. I think that's a fundamental right of parents, guardians and community members, that school councils have a role in the development of a code of conduct and safe school police. That's what we've heard is wanted.

People have told us they want classrooms that are conducive to a respectful learning environment and schools that promote responsibility on the part of our students. To accomplish this, teachers need to have the authority to take action in their own classrooms, and principals need authority within their schools. If approved, Bill 81 will give teachers the authority to suspend students for up to one school day. Principals will continue to be able to suspend students, as is now the case, for up to 20 days. In addition, a principal will be given authority to expel students from their school for up to one school year or they may continue to refer students for a board expulsion.

Every use of authority must be balanced with the appropriate process. That is why we have built in checks and balances in the form of due process, for these consequences, in the bill. If passed, Bill 81 would give parents or guardians the right to appeal an expulsion by a school board or principal and a suspension by a principal.

Our consultations over the past two years tell us that people not only want consistent standards and respect and responsibility in the classroom, but they want support for students who have been expelled or suspended. Sending these kids out on the streets only puts the problem somewhere else and creates other problems. That is why Bill 81 also sets mandatory requirements for students who have been expelled to attend strict discipline or equivalent programs in order to re-enter the regular school system, if Bill 81 is passed. Most expelled students want to continue their education. By making a strict discipline program or equivalent a condition of re-entry into the regular school system, we are providing the structured approach needed to help these young people turn their lives around.

We recognize that teachers can't teach and students can't learn if they fear for their safety. In too many classrooms across the province this is just the case. Amendments in Bill 81 to the Education Act will allow for such things as criminal background checks of anyone working in a school, to better ensure the safety of students, staff and volunteers.

Bill 81 would allow the government the authority to issue guidelines to school boards which would allow a majority of parents at any school in Ontario to have a dress code or require a uniform for their children. Many

parents, students and teachers believe that a school dress code or uniform is a good way to encourage respect and responsibility and that it contributes to a safe school environment.

To instill pride and respect, the proposed amendments to the Education Act would also require schools to include the singing of O Canada as part of their daily opening or closing exercises. Schools may also, at the discretion of their school councils, include the daily recitation of a pledge of citizenship.

The amendments in Bill 81 build on previous reforms we have made to ensure that Ontario schools deliver the best education possible for all students. Since 1995 our education reform agenda has aimed at ensuring that Ontario students have access to the best quality education. I would say this is their right—a quality education.

The key elements of education reform have been, firstly, fair student-focused funding; secondly, more resources in the classrooms; thirdly, new rigorous curricula; fourthly, regular tests to show how students are doing; and finally, standard report cards in the assessment of students' achievements.

We want our students to strive for excellence. We owe them nothing less than our best efforts to ensure their schools are respectful places that inspire and challenge them without any fear for their safety.

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On that note, dealing with the bill itself, there certainly are roles played by the minister not only in establishing and setting out the legislation and regulations, but also in setting down clear policies and guidelines in terms of a code of conduct and the implementation.

The purposes of the code of conduct are set out in the bill. I will recite those for clarity:

"1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.

"2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.

"3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.

"4. To encourage the use of non-violent means to resolve conflict.

"5. To promote the safety of people in the schools.

"6. To discourage the use of alcohol and illegal drugs."

We're requiring that "Every board shall take such steps as the minister directs to bring the code of conduct to the attention of pupils, parents and guardians of pupils and others who may be present in schools under the jurisdiction of the board." Certainly a notice requirement to make sure that the individuals I have just mentioned understand what is expected of them with respect to safe schools is fundamental, obviously, to a policy that will work in the school system.

The board obviously plays a key role with respect to the implementation of the code of conduct, through

principals, through teachers, and also through school councils. Everybody's working together with the same objective: to provide a safe working environment not only for the students but also for the teachers and the staff who work at that school. There is also flexibility in Bill 81 to deal with local codes of conduct in terms of governing the behaviour of persons in the school, but that has to be consistent with the provincial code of conduct.

We're trying to deal with activity that happens all around the school premises. That's why measures have been put in place with respect to the appropriate checks in terms of individuals who come in touch with the school, and the activity which takes place on the school premises, in terms of giving the principal the powers necessary to make sure the school premises are used for the purposes they're there for and not for illegal activities.

When we look at Bill 81 and safe schools, we are proposing some authorities in terms that are new for teachers and for principals. Teachers must apply the provincial code of conduct for infractions and those that have been set by boards as mandatory suspendable offences. That suspension power is up to one full school day and all related school activities for that day, or to refer that person to the principal.

We're looking for a safe environment, control not only for the entire school premises but also in the classroom in particular, empowering teachers to deal with conduct that is just not conducive to a safe working environment, to allow them to teach in that environment, and also for the principal to deal with the school per se in terms of dealing with a safe environment.

The principles set out were very clearly delineated in the Blueprint we set out when we were running for election, what was set out in April when we were setting out the code of conduct in terms of what was going to be expected, what were to be the types of infractions that would be dealt with, how they would be dealt with and what the process would be in terms of checks and balances, and other aspects of making a safe working environment, but also building respect and responsibility and dignity for individuals who work within that system, in terms of how they would want to be treated and how they should be treating other people.

Those are my comments with respect to this stage of the debate. I'm very pleased to join in support of Bill 81.

Mr Bart Maves (Niagara Falls): It's my pleasure to rise tonight to speak to Bill 81, the Safe Schools Act. The member from Barrie touched briefly on some of the things that have occurred in the past few years in the education system and I want to reflect on some of that for a bit. Last week we had a discussion on Bill 74, the Education Act. During that I had a two-minute opportunity to speak to one the members, and I had quickly jotted down a variety of things we had done over the past three years to improve conditions in school systems. Granted, anyone who's been here the past four years and followed provincial politics would say that reforms in the education system have not been easy at all times and that

there's been quite a bit of volatility in the sector, and that's the case.

I want to point out some of the things that have happened over the time. In actual fact we have been blocked on some of these things, and there's been volatility and arguments with teacher unions about some of these changes we've made, but now that they've been implemented and there's been some time to get used to them, they're getting wide acceptance, in fact appreciation, within the school system. Although I know that members opposite will probably mock Bill 81 and some others in the system will mock Bill 81, I think it too will come to pass that it will be appreciated over time by those in the system.

One of the things I want to talk about that we did right off the bat when we were elected that improved the lot of teachers across the province was to end the social contract. People have to realize that the social contract froze teachers' salaries. The teachers are paid on a grid. The grid differs a little bit from board to board but basically provides that each year you're in there as a teacher you get about a \$2,000 increase in pay for up to 11 years. Also, the more education you have, you get on a higher grid, and if you take more courses you can move along; with better qualifications, you get a higher rate of pay. The social contract froze people who were at the top of that grid. It also froze people who were on the grid. A first-, second- or third-year teacher would typically be getting a \$2,000 raise on an annual basis; it froze them. We immediately removed the boards and the unions from the social contract situation, and what happened in every board across the province was that the boards restored all those teachers who had been frozen on the grid to where they would have been. If they had been frozen for three years and this was going on to a fourth, they would have moved up four places on that grid. If your salary had been \$32,000, as soon as we came into office we removed that social contract and your salary could have gone up to about \$40,000. That varied, depending on where you were on the grid. But that was a substantial win for teachers and it was important to them.

We hear a lot from teachers about, "I haven't had a raise since 1993." Most people would consider that grid annual raises, but a lot of times teachers don't think those increases in pay are raises and one of the concerns they'll talk about is that they haven't had increases in pay. But as we advanced along, around 1998, when we amalgamated school boards, a lot of the boards became amalgamated together. For instance, in Niagara, Welland county and Niagara district merged into one board. What happened in those instances was that the board with the higher-pay grid—the board with the lower grid automatically moved up and got increases, so they got the higher grid of pay, so all teachers now take on the higher grid of pay. So that was a raise for those teachers who had come from the board with the lower grid.

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Finally, in the last contract negotiations, most boards across the province did have raises, on top of those

movements to the higher grid when boards amalgamated. For instance, in my board there was a 2% increase in the grid as a whole.

So that ending of the social contract and the amalgamation of the boards ended up being of substantial benefit to teachers.

At the same time, I would point out that we brought in an 85 factor, an early retirement package for teachers. There were a lot of teachers, who normally retire on a 90 factor, who were anxious to get on and to end their school careers, and we brought in an 85 factor. There were quite a few boards, mine in Niagara was one, where we had a lot of teachers getting near the retirement age. We brought in an 85 factor so they could retire earlier. That of course opened up positions at the bottom of the ladder for younger teachers.

So there are a couple of things we did that don't usually get mentioned.

Another thing we should talk about is the \$100 million that we put in a couple of years ago province-wide on textbooks, science materials and computers. I recall, and I talked about this the other night, that during Bill 160 debate a lot of parents would say to me: "Our kids don't have textbooks" or "My kids are sharing. There are five textbooks for the whole class and they have to share them," or "The textbook is held together with duct tape," and so on and so forth. The textbooks were old, 15 years old or sometimes older than that. To me, when I heard these arguments back in 1997, when we had been there for two years, that clearly spoke to an abdication of responsibility on behalf of the adults collectively, provincially and board-wise and whatnot. It spoke to a condemnation of the way they had allocated funds in the past. I say that because a textbook, forever in education, has been the staple, the primary tool that all kids use when they are in school. For the adults in the education system to have neglected to supply those kids with that most basic of tools really was a condemnation of the decisions they had made over the years.

Immediately following Bill 160, we spent over \$100 million on textbooks, computers and science material. Each year since, with the new funding formula, there is an allotment for more of those materials, because kids need up-to-date textbooks, and kids need up-to-date materials.

That's another thing that has happened over time that I think is vital to note.

An improved curriculum: Again, when this came out we actually hired several hundred teachers at different times of the year to help us improve the curriculum in Ontario. That was met with frustration at the time by many teachers, but the more I speak to, in all grades, the more comfortable they are with that curriculum and the happier they are now with that curriculum. In fact, I've had some teachers, both elementary and secondary, say to me that they would like the standardized province-wide curriculum to be even more detailed, even more defined, so that when one person in grade 10 in one community is reading Hamlet, someone in grade 10 in

another community is reading Hamlet. Now, there are a lot of people within the education sector who don't like that idea. They would prefer to have a little more flexibility from region to region in the province, but it is an area where some teachers have asked us to go. But as I said, that improved curriculum took a lot of work. Hundreds of teachers were involved in writing it, and it wasn't necessarily met with glee, but it is now.

Equalized funding: One of the things that was primary about Bill 160 was equalized funding across the province, where we used to have a system—we had 24 studies over the years in Ontario that said we should attempt to remove education funding from the property tax base. There were a lot of areas of the province, wealthy areas with a high property tax base, that were funding their students on about \$8,000 or \$9,000 a year. They were spending quite a bit of money per person on school. In other areas of the province where they didn't have such a large base they were maybe spending \$4,000 a year on a student's education—or less.

Bill 160, the new funding formula, equalized that. It took a lot of school funding away from reliance on the property taxes and it gave more responsibility to the provincial government, and we have equalized that. It equalized not only from region to region but it equalized funding from Catholic to public boards. I know my public board has been getting dramatic increases in funding in the last three years, every year since we've brought that in. Again, that's not something a lot of people in the education community will readily admit but it's certainly the case. That has been a major benefit for Catholic boards and for some small, rural areas across the province in better funding for education.

More resources for the classroom are part of that new funding formula. We've had about a \$700-million increase. The Minister of Education will correct me if I'm wrong, but I think it's about a \$700-million increase in funding in the classroom, because we've taken the funding formula and divided it up into classroom funding and non-classroom funding and we've said they have to spend that classroom funding in the class. They can't take classroom funding—teachers, textbooks and so on—and spend it on administration. That's protected funding for kids so it goes in the right places.

Special education funding is over a billion dollars now; yet more announcements this year about increased funding for that. That's protected. That's a line in the budget and they cannot spend that on anything but special education. Quite frankly, I remember an article in my local paper. You know, we heard a lot of hue and cry that there wasn't enough there, and in some cases that may have been true. I can't speak for every single board across the province, but I know there was a recent article in my board in Niagara where they had a million-dollar surplus at the end of the year in their special-ed funding. On top of this, we're going to add more money for special education.

The Education Improvement Commission, which advises on a lot of these changes, asked us a long time ago

to freeze average class sizes across the province at the levels current in 1997. We did that with Bill 160. Now, in the Education Accountability Act, Bill 74, we're lowering that yet again. We've gone above and beyond what the Education Improvement Commission has asked us to do. As you can see, all of these things are very beneficial to teachers in our school system today.

Province-wide testing: Something we ran on in 1995, something that was very important. I had one teacher, a grade 9 teacher, tell me that he had a kid come in who couldn't do very basic math, very basic addition. How did that kid ever get to that point, when he's going through that system, where he could get to grade 9 and couldn't do addition? That happened quite a bit over the years in Ontario, where people moved on to grades and their academic performance wasn't anywhere near what it should have been.

One of the ways we wanted to address that, if some boards or some schools across the province were doing exceptionally well, was to have an objective measure for that. We wanted to be able to say to the boards that were doing really well: "What's your secret? We need to know your secret so we can pass it on to other boards where they're not doing as well." Or if some schools were doing better than others, we wanted to ask: "What's your secret? Let's learn from each other and improve."

Province-wide testing was met with a great gnashing of teeth and frustration and blockage at the time we brought it in. It's now becoming more and more accepted. People are beginning to see it more and more as a tool that we can use to improve education.

Standardized report cards: That's another area where parents have been frustrated for years about changing report cards, changing formats all the time. They didn't know how to read them. They didn't know how well their kids were doing. Another improvement.

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And now, tonight, we have a code of conduct. This is yet another change to the education system intended to improve that system, intended to support teachers in that system more.

I remember in 1995 having a focus group that talked about a lot of issues within education, and at the time a lot of teachers expressed to me the concern that they felt abandoned at times when they were trying to bring discipline to their classrooms. They didn't think their principal or their school board would stand behind them when they wanted to enact discipline on that one unruly student who really ruined the lesson for everybody else.

During Bill 160, I had a teacher talk to me about prep time reductions. That teacher said, "You know, we would not mind at all if you could give us some authority so that instead of spending a lot of time in our class dealing with one or maybe two unruly students who ruin the lesson for everybody else, who take up too much of the teacher's time—give us the ability to deal with that student, and we don't mind." We're trying to answer that call today. I remember talking to teachers at the secondary and elementary levels.

I know that in most schools on the first day of school they give out a little handbook, and somewhere in that handbook there's usually some kind of a code of conduct or maybe some rules on dress code and so on and so forth. Nobody ever really reads it. The kids don't read it. Parents really don't pay any attention to it. It's handed out and forgotten.

I remember talking to some teachers back in 1995-96, and we all came to the conclusion that it would be nice if perhaps at the start of each school year a teacher and a parent could sit down with a student, all three or four in a room, and look at the responsibilities of each. What is it that the teacher is going to provide for that student and the school system? What are the parents' roles and responsibilities in this relationship and what are the role and responsibilities of the student? And if any of those aren't fulfilled, are there consequences to that? Each year, let's bring them in, sit them down, talk about it and have everybody in the room sign that document, so when someone does not live up to their responsibilities, someone breaks one of the rules that they've signed on to, consequences can occur and there will be no surprises.

I'm very happy to note in this bill that one of the very first things—after the purpose clause, which I want to talk to in a minute—it says is, "Every board shall take such steps as the minister directs to bring the code of conduct to the attention of pupils, parents and guardians of pupils who may be present in schools under the jurisdiction of the board." I think that's right on the mark. It's not enough just to say, "Here's the rules." You've got to make sure that everyone understands there are rules and responsibilities in a school. I'm delighted that after those discussions I had many years ago that's happening.

I want to congratulate Dan Newman, who's now the environment minister, who in the last Parliament spent many hours developing a Safe Schools Act. He worked with a lot of teachers' associations, a lot of front-line teachers, with school boards. He travelled the province on his own time, meeting with people who wanted to talk to him about his Safe Schools Act. A lot of what Dan did then is reflected in this bill, so I want to congratulate Dan for that.

There's a lot of consultation that happens in the education sector already. The Education Improvement Commission continues to do a lot of work in the sector, which we're grateful for. I note there's quite a bit of flexibility in this bill for guidelines and regulations and the minister will—and I already know this; she has even said so tonight—consult with the sector. We're going to look around and find out where things work best and we're going to try to adopt that province-wide. There's a lot of room for that in this bill, and I'm happy to see that.

I could go on at length, but I need to leave some time for the good member from Brampton. I'm going to do that tonight, Speaker, but I just wanted to go back and talk about those many things that don't get spoken about very often, that have improved the lot of people in the school system. This code of conduct is something they've

been after for a while. They needed some support within their classrooms, within the schools, and that's done here.

I'm going to vote for this bill and I look forward to the upcoming consultations that are going to be done to fill in some of the guidelines and some of the regulatory additions that must be made.

The Acting Speaker (Mr Tony Martin): Further debate?

Mr Joseph Spina (Brampton Centre): It's my pleasure to spend a few moments in the remaining few minutes as part of our share of the debate on Bill 81.

As we went through this and as I listened to the various speakers, and even members of the opposition, over the time that we've had discussing this bill, I thought back to a number of situations in my life as a student, both growing up in Sault Ste Marie and going perhaps, Speaker, to the same school you did, St Mary's College. I'm not sure if you did, but I'm presuming you may have, Speaker. I remembered Father Brown, the principal at the time. Father Brown was a fairly strict disciplinarian and set a very definite tone within the school. He had a sawed-off golf club, a wooden shaft with no head, and Father Brown walked the hallways and tapped his stick along the hallways. If you heard the tap, tap, tap of the stick and the "harrumph," you knew you'd better straighten up because Father Brown was coming down the hall.

We know today that corporal discipline, the things perhaps that Father Brown was able to use—the whack across the backside if you went to the washroom when you weren't supposed to or you stepped out of line as you went from class to class—was an element that kind of went the way of the dodo bird. That's not to say that discipline disappeared. There are schools today that have very good discipline systems, but it all becomes a matter of policy of the principal and vice-principal in charge.

I can think of comparisons within my own neighbourhood, where the principal and vice-principal of Mayfield high school, for example, set an excellent example of discipline in that school. There was a low tolerance for violence, disrespect and many of the other elements where students crossed the line. As a result, Mayfield high school in north Brampton is a very much sought-after school by parents to try to get their kids into that school, not just because it's an extremely talented high school—it has an entertainment and dramatic arts program which is unequalled in Peel region—but also because of the fact that the subsequent principal and vice-principals have carried out this tradition of good, strong discipline in the school. The pity of it is that it was not consistent across the board or indeed across the boards across the province.

I was at a parent-teacher council meeting at one of the schools in my area, my neighbourhood, and we talked—this was before Bill 81 was introduced—about some of the elements of what we were coming forward with and what we talked about certainly in the election campaign with the Blueprint, and I mentioned of course the code of conduct. The parents at this council as well as the

principal and teachers were very interested in what would comprise this code of conduct. The interesting point that was brought forward by one of the parents was, "Look, I know that we've gone through this idea of suspensions in our school system and a vice-principal or principal has the right to suspend." They can appeal it. They can go to the board and appeal the suspension. It usually goes to a board committee. I know that there are members, both in our party and in the opposition, who sat for many years on boards as trustees or as chairs and went through this process of listening to an appeal for a suspension.

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I think the point this parent made to me was very important. He said, "Look, if my kid steps out of line and it's justified by a suspension, I don't want my son or my daughter running around on a free day." In many cases this is exactly what was happening. He said: "You know, when I was a kid I deliberately tried to get in trouble so I could get suspended. Why? Because I'd go shoot pool for a day or three days." He said, "If you're going to introduce something like a code of conduct, we would ask that you have a remedial program that is clearly associated with it." That is exactly what will be accompanying this code of conduct under the regulations that will follow the bill, that there will be policies associated with the suspension. In fact, if you look at a part, it says: "Proposed Authority to Suspend;

"Minister's authority to set policies and guidelines on:
"Supports for students;

"(a) the teacher is responsible for providing school work for their class(es) for the one-day suspension;

"(b) the principal is responsible for directing the student to ask for school work from other teachers for one-day suspension;

"(c) the principal informs the student, parent/guardian of what structures/supports are available," fully intending that there would be some structures and supports available for that student.

I think we all agree that the last thing we need is to have a problem student just turned loose willy-nilly on the streets. I don't think any of us wants that. We know there is an opportunity here for remediation or rehabilitation, or at least an opportunity to serve the discipline in a constructive, learning way. Father Brown's methods may have been rudimentary, but I can tell you that any student who was technically suspended never really got suspended. They got suspended from class, but never from the school. There was a lot of work done around school property with these students who were suspended from class and, frankly, that was the lesson. These people knew that they weren't going to be sent off for a day so they could shoot pool with students who perhaps were no longer in school at all, but rather were going to spend the day or two days around the school property cleaning up, doing work on the property, and in some cases doing some fairly hard labour.

I just want to share with the House in the couple of minutes that I have left some quotes. The president of the Canadian Safe School Network said: "But the absolute

direction they're headed in," speaking of our government, "is a good one. The fact that they're engaging parents, they're providing parents with the opportunity to have uniforms in the school for their kids, the fact that they're setting a standard, and we talked a bit about this earlier on, the fact that they're setting a standard for all schools to reach to, providing resources for alternative programs, all are something that's a good idea."

Mr James J. Bradley (St Catharines): Who said that, Frank Klees?

Mr Spina: That was SA, president of the Canadian Safe School Network, and that was published in the Toronto Star.

The Durham board report on violence indicated shocking statistics: 41 assaults on teachers, 230 incidents of violence, 22 incidents of weapons in schools, 44 threats of serious injuries to students and 67 cases of students causing bodily harm. That was published in the Toronto Star April 27.

I want to leave us all with a statement that was published in the Lindsay Daily Post. It said, "It's about time teachers received the support they've so sorely lacked in the past few years," and that's on a consistent basis. I can tell you, as a husband of a 26-year veteran of a high school teaching system, it makes me feel better that we are able to give my wife the support she needs in doing a better job and feeling safer within the school environment in which she teachers.

The Acting Speaker: Comments or questions?

Mr Bradley: Is "phony" a word you can use in the House? I think you can. I'm asking, but I think you can. That's a phony concern. I won't say it specifically to anybody, so I can get away with this, but that's a phony concern for teachers that I hear on the part of this government. Here's a government who puts the boots to teachers almost daily, who uses them as victims, who uses them as scapegoats constantly. Now this government gets up with this bill and says, "Oh, we're really here to help teachers out."

There isn't anybody, but anybody, who believes that's your motivation. We know what your motivation is. You took some polls. You asked people if they want discipline in the schools. Everybody wants discipline in the schools, quite obviously. This is the easy stuff you're doing. Most schools in this province now have a code of conduct, most schools are enforcing this, and this is just a big showpiece.

Are some of the things involved in this bill all right? Yes, because they're already in existence. But to say this is somehow to help teachers in this province out, I don't think there's a teacher, outside of perhaps the one he mentioned, who would actually believe that is the case, and I expect she would do that.

We have a dearth of psychologists and psychiatrists who help out students who have obvious problems. I'm not talking about ones who are simply disruptive, but people who have some obvious problems—a real cutback in that field.

You started out saying you're going to suspend students for 20 days. Everybody knew that to have teachers suspend people for 20 days wouldn't work. That's down to one day now. The real test is going to be where you are going to send these students. What if it's an eight-year-old student? Where are you going to send that student? How is that going to be funded? None of that is in place at this time, because this is just a big show you're putting on to divert attention from crises such as the water crisis in Walkerton and the rest of Ontario.

Mr Rosario Marchese (Trinity-Spadina): I just want to say to the good people of Ontario that if they want an alternative point of view, I'll be speaking at approximately 9 o'clock.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this evening to make a few comments on Bill 81, the Safe Schools Act. I'd like to congratulate the minister, the parliamentary assistant and the other two members who have made a few comments on it as well.

We promised in our election platform last year that we would take action and that we would take responsibility to ensure that respect, responsibility and safety are a fundamental part of our education system. With Bill 81, we are delivering on that promise. People have told us—and they've told me as well many times—that they want classrooms that are conducive to a respectful learning environment and schools that promote responsibility on the part of our students. I'm sure we've all heard these stories many times over about some of the problems that teachers have run into in the schools. We recognize that teachers can't teach and students can't learn if they fear for their own safety.

In too many classrooms across this province this is the case. There are problems. We want our students to excel. We'll do nothing less than make our best effort to ensure that their schools are safe and respectful places.

I particularly like the requirement of the singing of O Canada. A lot of schools do it now, but I think it's nice that it's required. I like the option of using school uniforms and using the pledge of allegiance in our schools.

Mr Speaker, we've heard over and over again about safety in our schools and the code of conduct, and I thank you this evening for the opportunity to speak to this and make a few comments. I will be supporting Bill 81.

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The Acting Speaker: Further comments. The member for Lennox, Addington, Frontenac, Hastings. Did I get that backwards?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): You got all the riding but just not in the right order. But thank you, Speaker, very much. I'm happy to make some comments on what the members of the government have shared. Since the member from Niagara Falls chose not to focus very much on Bill 81 but gave us a bit of a history lesson, it was really a nice reminder for me, and I think the record needs to be clarified on some of the points the member from Niagara made. I think I have some right to clarify that, because I was a school board trustee and a school

board chair and I have some pretty vivid memories of what the government did for education.

The member from Niagara Falls talked about the great favour they did for teachers when the social contract was lifted, when the Conservatives came to power and teachers were able to be compensated for those years they did not receive an increment. But I would remind the government that it was the school boards that did that, without any additional compensation from the government. There were no additional grants provided by the government to address that equity, that justice issue. It was the boards that did the right thing, not the government.

Also, the member talked about the government providing \$100 million in 1997 for new textbooks because the boards were so totally irresponsible and hadn't looked after that. I remind the members of the government that it was about that time that the new curriculum had been introduced into the system. I would sincerely hope there was an understanding that if you're going to bring in new curriculum, you should be spending more money on textbooks for the students. It's important that the people of Ontario understand that those expenditures were made for that reason.

The Acting Speaker: Response?

Mr Tascona: I appreciate the comments that have been made by the members of the opposition parties and the government. The member for St Catharines makes a valid point: When you set mandatory requirements for students who have been expelled or suspended, you are going to have to have an alternative. We've set that out in Bill 81 in terms of strict discipline or equivalent programs in order to re-enter the regular school system. That is going to be a priority in terms of the re-entry and the funding that obviously is going to be needed to deal with that particular issue.

The member from Trinity-Spadina is not here at the moment, but I certainly await his remarks at 9 pm. I always appreciate what he has to say and I would urge the viewers to stay tuned for some of it.

The member from Simcoe North was always on point, always relevant, always speaking to the bill. The purpose of the bill, as everyone knows, is to deal with safety in our schoolyards and in our classrooms, because you have to have an environment where teachers can teach and students can learn. That's the primary focus of Bill 81, among other things.

The member from Hastings-Frontenac-Lennox and Addington—unfortunately she's not here at the moment, but I did appreciate her experience as a school board chair. The history lesson was quite informative. I would just remind the member that she's now an MPP and I think she should address the issues of the day. The issue of the day is Bill 81, and we didn't hear anything on that.

But Bill 81 is something the public believes is necessary, and this government has lived up to its promises.

The Acting Speaker: Further debate?

Mr Gerard Kennedy (Parkdale-High Park): It is a pleasure to join this debate tonight and to be able to

respond to the previous hour's worth of discussion in this House. I think the public really needs to know what this so-called Safe Schools Act is about. We certainly don't take anything away from the motivation of the members opposite, but if they were as contemplative and as full-some in their concern for the safety of schoolchildren, we would have heard quite a different noise from the other side of the House. It's this group of people, this government, this Premier and this Minister of Education who need the code of conduct we're talking about tonight.

When it comes to the safety of schoolchildren in this province, this government has nothing to be holding its head high about. In fact, this government has palpably, markedly and measurably made schools less safe. I will refer in specific detail, which we heard none of tonight from the members opposite, to how specifically the measures they're dealing with would actually have an impact on the concerns that parents and children and teachers have about the viability of the safety of schools.

In effect, we now know this is a government of shortcuts, a government that will take the easy way. What we've heard tonight is the creaming off of the easy stuff, the things any government could write down on the back of a napkin—and frankly, I think it was on the back of a napkin, the earlier version of this bill that this government put forward in full confidence some time ago, because the new bill has some changes to it. To give you an idea of the level of precision this government puts into its forethought, its preparation and its understanding of how to deal with a problem, it first said to us, some number of weeks ago, that teachers should be able to suspend for 20 days; the new bill says one day. What happened to the other 19 days? What kind of backing up, what kind of perception did this government actually have to make that kind of gross change in what it was doing?

This government also tried—it's probably a time-tested standard of when the public should be suspicious, when you get a government, any government, hiding behind the Queen and the flag, which is what this government purported to do when they first brought out this bill. They spoke to an oath of allegiance they wanted to subject schoolchildren in this province to, as if that would somehow magically make children safe.

This bill betrays an outlook not only lazy in its character, not reaching in its preparation and actual diligence in addressing the problem, but also somewhat problematic in its overall view of what is supposed to be happening in schools. What we didn't see in any of the bills here today is how to actually reduce violence where it takes place. Instead, we have seen a slavish connection to what is now recognizable about this government's education approach: a centralized, Soviet-style outlook that says they can sit in their nicely upholstered seats here at Queen's Park, push a button and make something happen in a school, or, more to the point, pretend that something is going to happen in a school, to make sure that the public they'd like to serve—and that certainly is

not a majority of the public—believes something is happening.

This government would have us, in their central, big-government mindset, say that just because they set a code of conduct somehow that's going to make a difference in the daily lives of children and of teachers. Well, I will demonstrate in the next number of minutes that not only is that a false hope being held out to schools, teachers and parents, but it is palpably dangerous in terms of what we in this House should be discharging as our responsibility for the safety and well-being of this province.

This government has put forward a plan that has no real substantive basis. We heard the minister earlier tonight say on several occasions, in an almost imperial kind of outlook, that there will be, there shall be, diversion programs. Well, there is no funding, no provision, no detail about where a grade 8 student who gets kicked out of class is going to end up being; there is no contemplation on this government's part. In fact, the government is proposing and recommending to us a law that will contradict another law it's already passed. There is no space in Mike Harris's school, in the few square feet he's apportioning per student, to acknowledge any place for a diversion program. This government has not thought this through, as their earlier version demonstrated in spades. In fact, this minister has not provided any ability for the public to be confident that those kids are not going to end up in the malls and on the streets.

It will interest the public viewing to know that when this minister announced these proposals he did so at the Eagle Project in Peel region. Now, the Eagle Project is a fine project, dealing with about six kids who have been suspended or expelled in that area. The thing, though, that I think would interest the people of the province to know is that not one dime of government money funds the Eagle Project. In effect, what the government was doing by making its announcement there was telling us that this is the future of education, this is what they have in mind: kick certain kids out of school and then either let them twist out in the malls or end up in some kind of magically privately funded place—no guarantee, no assurance and certainly nothing that could be relied upon in terms of people wanting to believe that this government has their interests at heart.

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What has this government done in specifics? In the generality this is where this debate certainly needs to go. This government has spent some of its time tonight trying to tout what it sees to be its achievements. That is a challenge that cannot go unresponded to. Let's look very specifically at what is really happening in the schools: What does this bill try to avoid, what does it try to distract and draw away from? Well, we learned some of it today. Members of each of the ridings represented on the opposite side of the House will want to get a copy of the 2000 Tracking Report. There are 900 schools in here, honourable members, and your schools, your ridings, are in this. What this does is track the changes of nobody else but your government over the last three years. What

have you taken away from your elementary schools? And apropos of the debate tonight, what have you done? You've reduced the access to psychologists by 38%. Will you stand up, proud in your place tonight, and explain to people who've got young children in elementary schools who need intervention that it's 38% less likely because of the proud decisions of your government? Will you take that responsibility?

When this minister made her initial announcement, she had a big, expensive background, emblazoned with "Respect and Responsibility." Well, you've got to give some to get some. If you're going to put the people of this province under the illusion that you're going to deal with safe schools, if you're not even just going to hide behind that smaller fig leaf of some code of conduct that everybody has already, then you're going to have to stand accountable for what you've done.

Also in the report today we find out there are fewer guidance counsellors. There are substantially fewer people available to provide exactly the kind of intervention that this bill purports to have a concern about. In fact, at the core of the education and learning experience, which this government tries everything in its power to distract our attention from, we now have 10% fewer full-time principals. The leader of the educational community, the person we depend on to spot and deal with discipline problems, is 10% less likely, in the last two years, to be there because of these particular people: this government and the people who support it. What does that mean? That means that 15% of the schools in the province, up from 6% a few years ago, have to rely on part-time principals.

Let's talk about safe schools. Let's talk about what it's like to have very young children and nobody patrolling the hallways, nobody there to hive off intruders, nobody there to deal with situations when there are people from the outside because there are part-time principals, because this government couldn't be bothered to put full-time ones in when it brought in its omnipotent funding formula: push-button, central-style control of all the communities represented in this House. This government has stolen the control of local education and doesn't even have the respect or the sense of responsibility to take the responsibility for what it's done, or there would be principals in those schools today.

We have in front of us a bill, a bill that purports to be a Safe Schools Act, that was promised many, many months and years ago, that has been promised at least three times, mainly, I'm sure it will not shock our viewing audience to know, during the election. That's the time it was talked about the most, when this government said, "We'll bring in a code of conduct and that code of conduct will make everybody behave." This is the thinnest of thin veils for a government that actually has to bear responsibility for the safety of our children, when they haven't provided—for example, ESL programs have dropped by some 25%.

I want to challenge the members opposite. And let's keep in mind that we're not dealing with the penal

system here; we're dealing with schoolchildren. In essence, what I think the majority of the Ontario public wants to hear from the members of the government is, do you believe that children of school age are still deserving of being prevented from aberrant behaviour, that when they exhibit that behaviour we should work to reduce it, to find ways to compel or to otherwise persuade children to adopt better, safer behaviours for them and for others? Do you actually hold any of that kind of view of society, or are you saying with this bill, in an absence of any measures that hold that more reasonable and hopeful view of society in it, that you just want to give up on those kids? Are you saying, effectively, to the rest of society, "We're not going to do our job, and the people we're going to dump into the streets or dump on to the malls are going to be somebody else's problem"?

While words like "code of conduct" bear resonance, this government is going to find itself, as it does now on other things, held accountable for whether the Safe Schools Act is actually going to make schools safer.

The compounded frustration they're creating for students out there with the new curriculum, with less attention available from each teacher—for example, for the 58% of kids who need understanding in terms of their limits, in terms of their ability to contend with the program, what used to be called the basic program, they have no curriculum to deal with them at all. If members in this House, both on this side and opposite, would take the trouble, they would find that in classroom after classroom, those people are lost in the current system, that there's no room for them in this tough new curriculum of this government, which is really a chaotic new curriculum from this government. That can only lead, predictably, to more frustration and more potential difficulties. But that is not addressed in this bill. There is nothing that this government says it's going to do about creating a climate where all kids will be worked with in that system, will be provided for, will be given some kind of assistance to see that they reach their potential.

I again challenge the members opposite. Reconcile this narrow, limited, centralist view of what a safe school is with what I think is the majority, widely held Ontario view that schools are there to help kids reach their potential as citizens, not some throwaway that says they'll sing "O Canada." We're all for there being an improvement in citizenship, but you can't demand it. This government demeans our national anthem by throwing it in with its so-called discipline package, and it did almost do that to the oath of allegiance as well.

What we don't have from this government is any acknowledgement that they will be the responsible parties for making sure that the school day is conducted safely.

We have a very specific challenge for this minister and for this government that will find form in terms of amendments to this bill. We will learn through this test whether this government is serious in its intent, or is this just another feeble effort to milk something for its propaganda value, with no concern for how it actually

plays out in the lives of the students and the teachers it purports to have an interest in? If you care for the safety of schoolchildren, for the teachers who are committed to educating them, you will agree that every school needs to have safe school teams, that every board also needs to have safe school teams, people who can be involved and dedicated to the identification, the prevention, the reduction of violence and of unsafe behaviour before it even happens, dealing with it when it does happen, and making sure that our schools are as safe as they possibly can be; and only after that effort has happened, then doling out the punishment that this bill purports to offer.

If the people opposite in this House, the government of the day, cannot see the value in having in each of the schools the assignments, the time allowed, the permissions, to provide for that, then I think they stand exposed. They stand exposed as people not interested fundamentally in the safety of schools. Similarly, if we cannot have school psychologists, if we cannot have guidance counsellors, if we cannot have attendance and counselling people who are actually going to deal with that percentage of the student body that encounters problems, then we do not have sincerity on the part of the people opposite in this House; it cannot be. Because it can be measured.

As we've heard about elementary schools, we know fundamentally that this has not worked, that they have deducted from the safety of what's out there. This government, through its excessive spending of public dollars on advertising about education before the last election, a bad habit that apparently they're now prepared to go back to—it's like somebody who's quit some kind of addiction. This government is now spending the same scarce education dollars that mean we can't have people to intervene when there are problem kids in the school on radio and potentially television ads to tell us all how to think about education. In fact, they would, if they were more sincere, put that money into the safe school teams that we're talking about.

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On the specific measure about whether or not there should be punishment, by all means. But what the viewing public needs to realize is that since 1994 every school has been required to report each of the offences, which this government has used to create some kind of scare list about what could go on in schools, to the police. That's the right authority to be dealing with serious criminal offences, and no one else. What we suggest and challenge this government to adopt is that every school should become a safe school zone, that offences like trafficking and possession of drugs and of weapons should carry an extra penalty, so that schools become a no-go zone for that kind of activity and for that kind of behaviour. Again we will find from the members opposite whether or not the real safety of schools enjoys a home in the Harris government or whether this is something they take lightly, something they just want to use for the benefit that could be had, for flags to be flown and nothing serious to be done.

It's important that the government face some of the people who have to work with their policies on a day-in, day-out basis. One of the fundamental problems of this Soviet-style approach is that not only is it the minister in all her glory, sitting in a big chair pushing a button and pretending that this is going to do something, but it really obscures the fundamental problems that are real about violence and about safety in schools. Where violence occurs, where there are safety issues, where there are acting-out problems, they're often locus in certain schools, at certain times, in certain ways. That's why it's fundamentally important that any government that would like to be credible on this subject have some capacity. Instead, this is the government that has taken away the capacity.

For example, Carol Roslin is the principal at Thistle-town Collegiate Institute in Etobicoke. In a recent week, they had 11 suspensions—in one week. This is what Carol Roslin, who deals every day with one of the more challenging school supervision assignments we have in this province, has to say about this bill: "Today's code of conduct announcement is nothing but window dressing and does nothing to fix the problems we see in our school every day. Announcing a new dress code and singing 'O Canada' will not make my school more safe when we are having to beg and borrow from outside community agencies to make up for funding cuts."

That's what's happening in her school. It may not concern the Minister of Education to know that in her school they could be losing hall monitors. They no longer can call on the board for security guards, as of next year. Those are the people who respond quicker than the police when a system is breaking down, when something is beginning to happen. But this government has created those cuts. This government is the one forcing those people out of the system. It's the principal who sees where the intervention should happen, who is there on the ground, who isn't flying at 10,000 feet or in some panelled office in Queen's Park, who sees those kids and believes that something can be done to intervene for their well-being and for the safety of the rest of the school, and she can't access the resources because you've taken them out of her reach.

That's what this bill is about today. This bill is about a pretend Safe Schools Act. This bill is about a government that won't come to terms with what it does and the impact it has in the real world.

The Carol Roslins of the world will tell you. If you would take the time, if you would visit some of the schools that have experienced challenges, good schools like Thistle-town, that have incredibly dedicated people who make sure it's a good school for the vast, vast majority of students who are there, you would learn that and you would not dishonour the efforts in those schools by bringing forward this kind of paltry bill which would take up some of the public goodwill that obviously exists by way of concern for violent incidents, for the things that are happening in our schools and could potentially be happening in our schools.

But of course this government does this in a context. They do it in a context that they don't wish to speak about very much. One part of that context is that they threw their credibility overboard when they decided to reduce their funding of education by some \$1.6 billion; 29% of their share of funding is what they've cut over the last number of years. That's why they've got nothing left to offer. They've got nothing to bring to us tonight. The minister, the government, the Premier can't put anything into the system to make our schools safer because they have sacrificed it already. They've given it away.

We heard from the minister before talking about record-high levels of funding. What does that really mean? It means they're counting money they downloaded to the municipalities. When you take that out—it's available in public accounts, and we have a report. We've challenged the minister to debate the numbers, to show her own numbers as to whether this is wrong. That challenge is now four weeks old. We have to assume that the minister of the day, that the government of the day has nothing to say about this because they've published no report of their own numbers. So \$1.6 billion—

Interjection.

Mr Kennedy: It is—29% less that this government has taken out of the system since it assumed office. Where, then, can these members hide when it comes to trying to avoid responsibility? Where is the respect for the people who are trying to provide an education, both the parents at home and the teacher in the school? How does that reconcile with any effort to see schools as safer places to be when you have everybody scrambling because of your misguided efforts to take money out of the system?

There were 5% to 10% cuts at Thistle-town Collegiate. Guidance counsellors have been reduced at the school and asked to do more classroom assistance. The caretakers they count on to keep a watch out have been reduced from 10 to six. That didn't happen by accident. It wasn't the decision of the principal. The Toronto school board didn't wish for this to be the case. It was your decision. You need the code of conduct. You're the ones who should be showing some responsibility here tonight. If there is an enlarged danger out there in any situations, if that exists, it's partly because of your ignoring the conditions in which those kinds of things thrive. You have not provided the system. More importantly, you have not provided the people with the kind of encouragement and the direct resources that would have them do the job that the Carol Roslins of this world want so desperately to do.

This government has taken it upon itself to release several initiatives in terms of education. One we've mentioned tonight—and it's funny, because at some point it seemed like this was going to be the centrepiece of pride and glory for this government, but I think some of the money they spent on polls, that probably also should have been in the classroom, made them back off—is Bill 74. What this government would like to call something to do with accountability is actually once

more the education control act, 2000. It's exactly as ominous as that sounds. This is a government recklessly out of control itself, recklessly unable to come to terms with its impact on the day-to-day lives of schoolchildren.

What is it prescribing to us in this companion bill? By the way, why aren't we debating that tonight? If this government is so proud of this bill, then why is it rushed through in such record time? Why did we get the minimum time under the new, centralized Soviet-Tory rules where we're afraid to hear from people? Why is it going to committee for two hours tomorrow in Barrie, one day in Ottawa and nowhere else in the province, even though we could have been meeting last Friday, yesterday, today and Thursday, another 15 hours?

Even if this government was in such an all-fired hurry, it's not in a hurry to do anything but hide this bill. The reason they want to hide the bill is because of what it's about. It has everything to do with safe schools. It has to do with taking away, seizing, in fact, control from local school boards of just about everything that might be important in terms of making the flexible arrangements at the school level, at the level of resources like safe-school teams, at the level of maybe looking at and working with municipalities and the provincial government to get safe school zones in place. It interferes with that by putting everything subject to the fiat of a minister sitting in a soft plush chair at Queen's Park, a minister who, according to that bill, will be able to tell principals and teachers and school boards what to do on a whole variety of things, the only test for which is that she need have concerns. Incredibly, this bill is headed under the dictatorial—and I'm sorry to use that word, but there is nothing in a democracy that dignifies the kind of idea that a bill like that gets 10 days of debate and then gets passed automatically, that denies any semblance of accountability on behalf of this government.

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But the root of that bill lies elsewhere. It lies, again, in the cutting of funds. This government wants to reduce the amount of money it pays for instructional time. That's how low its regard is for the educational and learning experience in this province. While all kinds of other jurisdictions all over the world—struggling Third World nations, developing Tigers in Asia, people in various continents—are spending higher and higher proportions of their GDP on education, this government is heading fast in the other direction.

What they want to do is have fewer teachers in the system. It's what the bill does; it's what it's fundamentally for. It takes what was essentially a staffing formula that did not work in one region of the province and inflicts that unsuccessful staffing formula on the entire province. It happens to be the region of Durham, it happens to be the region the minister is from, and also another member in this House who chairs the education policy committee of cabinet. We don't know this government's motivation, but we know its effect. We know what's called the Durham Disease, this idea that somehow you get a fight going between trustees and teachers

and students and you lose things, perhaps like extra-curricular, you certainly lose goodwill, you lose good teachers, that somehow is now a paradigm to bring to the rest of the province. That's what the government wants to do.

The government wants to increase by 11% the workload of teachers and reduce the attention that each individual student will get by the same amount. Would that it was even that mild in its effect, that 11% piled upon the 29% or the other cuts that have been there. But instead, what it means in the real world—again, where this government shows faint attention with its bill tonight—is that teachers are teaching sometimes 33% more; you can have a variety of load between 50 and 100 kids. What if your kid is with the teacher who has to teach classes that add up to 100 kids who need specialized attention, 100 kids who need testing?

One of the members opposite, from Brampton, is shrugging his shoulders and saying, "I don't care about that" or "It doesn't bother me." But it does matter, because that's the real-world impact. You talk about safe schools tonight, you pretend that a code of conduct is going to do it, you pretend that having a list of offences to suspend things shows respect to teachers. In the real world, teachers aren't asking for that power, or if they are, they sure as heck don't want you giving them a list of prescribed offences. If somebody swears, they're out, just like that. Where do they go—you won't even provide the space in the school—in the real world? You won't provide the funding to deal with that kid. You won't provide the staff to look into why the kid is behaving that way. You won't look into how we keep our whole community safe, because despite what this government tries to tell us, there's more than a classroom involved in educating kids. That classroom is situated in a school, a school that has now been stripped of some of its essential resources, and that school exists in a community.

The good thing about tonight's debate and some of the other initiatives this government is taking is that that community is starting to wake up to the fact that this is not about safe schools; this is about safe politics by this government. Sadly for it, happily for the province, it's stuck in the mindset where it thought nobody was paying attention, but a variety of things have come to create a sense of reckoning in the people of this province. They know there's no free lunch, they know there's a cost to everything, and if you're cutting money out, somebody is going to pay, the safety of schools included.

The Acting Speaker (Mr Michael A. Brown): Is the time being split?

Mr Kennedy: Speaker, if I may, my time is being split with the member for Hastings-Frontenac-Lennox and Addington, also with the member for Renfrew and the member for Hamilton Mountain.

The Acting Speaker: Thank you.

Mrs Dombrowsky: I'm very pleased to join the debate tonight to talk about safe schools. I think it's important that the people of the province understand—at least in my riding, the schools in my riding have codes of

conduct in place at this time. These are codes of conduct that have been implemented that have come from the school community. They haven't come from a minister or a director or a school board but have come from the school community. The parents, the teachers and members of the school community have had an opportunity to come together and review what they as a community believe is appropriate and acceptable behaviour and consider ways that the school community can encourage this kind of behaviour and ensure that the students who arrive at the school indeed come to a safe learning environment.

School codes of conduct were implemented well over three years ago, and they were implemented in such a way that they were a celebration within the school community—this was something they worked on together—and the students celebrated as well. They were taught to understand that it was for the good of all that these codes of conduct were being implemented. Most importantly, they understood the rules when they arrived at the schools: “These are the expectations within our school community, this is why we have the expectations, and these are the consequences if you would choose not to participate.”

I really applaud the school communities who worked so very hard, and I think how unfortunate it is, number one, that the government doesn't recognize the kind of community involvement that has created the codes of conduct in the school communities and has chosen to impose its own, a code of conduct which, I would suggest, in what has been communicated to me by a number of schools in my riding, doesn't come anywhere near meeting their level of expectation in terms of respect and how to foster that, and safety within that particular school setting.

I'm especially struck when I read the legislation and the wording of the legislation, and I'm rather appalled when I look at section 301. If I begin at subsection 301(1), it opens with the statement, “The minister may establish a code of conduct”—the minister. We go to the next section: “Every board shall take such steps as the minister directs to bring the code of conduct to the attention of pupils....” The next section, (4), “The code of conduct is a policy of the minister.” I thought that was the role of school boards, to make policies, but now we have the Minister of Education making policies for boards to abide by. “The minister may establish additional policies and guidelines with respect to the conduct of persons in schools”—the minister may establish policies. “The minister may establish policies and guidelines to promote the safety of pupils”—again, the minister may establish. “The minister may require boards to comply with policies....” “Policies and not regulations established under this section are not regulations within the meaning of the Regulations Act.”

The minister is micromanaging education. The minister is setting board policy. Would that the Minister of the Environment would so involve himself in some

environmental issues to ensure the safety of the people of Ontario. It is a trend perhaps worth considering.

I have a document from the Institute for Catholic Education. This is a body of a variety of people who have an interest in education. There are clergy, there are teachers, there are trustees, there are parents. This is a document that relates specifically to the changes that are underway in education at this time, if I might read from the document with regard to the impact of the Education Accountability Act.

Here we have before the floor of the House an act that is designed supposedly to ensure the safety of students in schools.

Mr Marchese: And to help teachers.

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Mrs Dombrowsky: And to help teachers suspend students. I haven't met a teacher yet who said they wanted to do that. In any case, we will also be reviewing a bill, the Education Accountability Act, that will undo, in my opinion, any measure of safety that this might attempt to ensure.

I'll just explain a little bit what the Institute for Catholic Education has written in its document with regard to the impact of the Education Accountability Act. It indicates that the Education Accountability Act will affect the supervision and safety of students and staff in school. It goes on to say, with regard to supervision and safety:

“(a) With a reduction in staff availability of 24%”—and that's what Bill 74 will mean; there will be a reduction in secondary staff of 24%—“the capacity to ensure school safety will be similarly reduced.

“(b) One result of the seven out of eight workload in 1998-99 was a perceived increase in student behavioural problems due to the reduced supervision at lunch hours, before and after school and in hallways between classes. There were reported increases in:

“(i) cases of student harassment

“(ii) the number of violent incidents

“(iii) vandalism.

“The trend toward increased behavioural problems due to reduced supervision at critical times should be studied before changes are made.

“(c) It is essential that principals be able to ensure adequate supervision of students by teachers at key times” This is crucial to ensuring the safety of students in schools.

“Qualified teachers have authority in the school, a rapport with students as well as the respect necessary for effective supervision. It is the relationships between teachers and students that have the greatest impact on the school environment.”

That is from the Institute of Catholic Education, which has taken the time to consider the bigger picture.

We have an act on the floor that in my opinion pays some lip service to confirming what many school communities have better models of already. On the other hand, we have Bill 74, which will come to this House for consideration in the near future, the too-near future, and

it will completely undermine the school's ability to provide a safety environment.

The member for Niagara Falls indicated that the members on this side of the House will take the opportunity to mock Bill 81. That's not my intention here tonight. Please understand that I have a responsibility as a member of the opposition and as a representative of the people of Hastings-Frontenac-Lennox and Addington to stand before you and share the issues they share with me as their local member. I take them very seriously. I am very proud to stand in the House tonight and bring their concerns to this debate. What I've shared with you reflects what I've been hearing in my riding around Bill 81. There is significant speculation about whether it will have any impact on the safety that there is at the present time in my riding within our schools or that may not be in other schools.

As far as respect and responsibility, the people in my riding are saying to me that those are not things that can be legislated, that those are things students learn at home and at school. I have to say it has come to me that they are not really seeing a lot of it on the part of this government until now.

The Acting Speaker: Just before we start with the member for Hamilton Mountain, it is disconcerting to have people having conversations, especially when they are not in a seat or particularly their own seat.

Mrs Marie Bountrogianni (Hamilton Mountain): I actually really appreciated that, Mr Speaker. I wanted the member to sit down. Thank you.

It's an honour and a pleasure to talk about education at any time, and I thank you for the opportunity to speak about Bill 81. There are just a few things that I wonder if the members on the government side have thought of, or maybe they have and haven't included them in this bill; for example, section 306 on mandatory suspension. "It is mandatory that a pupil be suspended for ..." and then two of the possibilities are "uttering a threat to inflict serious bodily harm" and "swearing at a teacher or another person in a position of authority."

Under normal circumstances I would wholeheartedly agree, as someone who had worked in education for 18 years before coming here, that would warrant a suspension. But I am wondering if the mandatory aspect removes the judgment and discretion of the principal for abnormal situations. Maybe a member opposite can answer this even tonight. For example, a seven-year-old with Tourette's syndrome: It's very common for kids with Tourette's syndrome to utter threats. In fact, they can do it 10 times a minute and then not do it for two hours and then do it 10 times a minute. It's very common for them to swear. If there's an EA in place or some other sort of support in place, there's usually a behavioural program that decreases that behaviour or controls it, but it's impossible to predict how often it can happen.

Would that seven-year-old or, for that matter, 17-year-old Tourette's syndrome student be suspended automatically for swearing or threatening? That's an important question that needs to be answered. I would hope not,

because at present, principals and teachers work together with educational assistants and parents to address those issues. For example, they may have a meeting with a class before the entry of this particular type of student and say: "This is the kind of thing that is uncontrollable in this student. Please understand and please don't role model this student. It's an illness. It's not the kind of behaviour we accept." For most kids, that works. They won't model after the student and they don't fear the student. They understand. Actually, it's a great education of exceptionalities to the other students.

It's tremendously unfair for a family of kids like Tourette's syndrome kids, who already have an amazing amount of stress on their shoulders, to have their kids at home every second day, suspended for doing something that they can't control. If the minister or someone opposite wants to respond later to that question, I would really appreciate that response.

"Duties of the teacher" in subsection 306(3): "If a teacher observes a pupil committing an infraction ... the teacher shall suspend the pupil or refer the matter to the principal." This really opens a can of worms. Most teachers don't want to suspend, but sadly, there are a few who I am sure are looking forward to suspending. There are individual differences in every profession. There are individual differences in tolerance levels among teachers. Some teachers can take a lot more than others.

This really opens a can of worms. Will it be applied consistently? What will this do with school and community relations? For example, you may find after a time a pattern of one teacher frequently suspending the same kids and other teachers never suspending those same kids. What recourse is there then for the principal to address this within the school? It seems a little contradictory. First we made the principals managers and now we're giving the people they're supposed to be managing some very administrative and managerial types of duties. So think of the impact also on the teacher-and-principal relationship.

As well, as one teacher was telling me last night, what about the paperwork? There is paperwork attached to suspensions. A letter goes to the parent. There is supposed to be a meeting before the student re-enters the system. That's a lot of administrative and paperwork to add to an already overloaded teaching load for teachers.

Part (4) of that same section: "The principal has a duty to suspend a pupil who commits an infraction ... unless a teacher has already suspended the pupil for the infraction." Think about this. Does this principal become Big Brother, hunting down teachers who don't suspend the pupil? If the principal either observes or hears that a teacher has observed some of these behaviours that require mandatory suspension, is he going to chase that teacher down so she can suspend that student or do it himself or herself? Is this going to be part of their evaluation if he or she doesn't suspend the student? I am really concerned about that Big Brother aspect of the principal's role.

Part (7) of the same section: If a teacher who suspends wants a longer suspension, "the teacher shall recommend to the principal that the suspension be extended." Are we now into principal-teacher suspension negotiations? So the teacher suspends a student for a day and then tries to talk to the principal about how much longer the student needs? What will that do to the consistency and the fairness not only within the school but across the schools in a city and, obviously, across the province?

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Section 307 deals with discretionary suspensions. In subsection (5) the teacher may suspend or refer to the principal—the same concerns as the ones I previously mentioned. There also seems to be a little bit of a weasel clause here. First you say the teacher "shall"; now you're saying the teacher "may," and then refer to the principal. It's a little bit confusing. I would hope the members opposite would clarify this before publishing this bill.

Section 309, mandatory expulsion: "The principal shall suspend a pupil who the principal believes may have committed an infraction...." I really hope that's a typo, because in this society we're not guilty, we're innocent, until proven guilty. This would be disastrous, particularly where there are some conflicts within the community. These things happen—a conflict between a community or a school council member and a principal. Whether consciously or subconsciously, these tools are the weapons to punish a student inadvertently. I'm not for a moment suggesting that teachers are irresponsible; I'm just suggesting that they're human and that when under stress may suspend students who most teachers would not.

The principal shall conduct an inquiry: Think about this, about the logistics of this. We're talking about acts like sexual assault and drug trafficking. Are principals equipped to do this? I had the honour to work with principals for 18 years. They're terrific educators and professionals, but they're not policemen, they're not investigators, they're not detectives. What kind of an inquiry are we talking about here?

The same goes with discretionary expulsions. Principals don't want this responsibility. I realize it may be true that the members opposite and the minister feel they are protecting teachers and principals by allowing them to expel. But if a student is that disordered that he or she requires expulsion, that's a fairly dangerous situation. It is much safer to refer that situation to the system we have now, to the board, to sort of innocuous administrative body to make that decision rather than to an individual within the school within the community. I predict a lot of slashed tires on certain principals' and teachers' cars if they are given this responsibility.

Programs for suspended pupils: This has already been talked about. "The minister may require boards to establish and maintain specified programs, courses and services for pupils who are suspended," and also for expelled pupils.

This is a wonderful idea, but it's a very expensive initiative. At our board a few years ago we sat down at a

committee of a psychiatrist, social workers, teachers and superintendents to develop exactly this kind of program. Once we put dollars and cents figures to the program, we didn't even bother taking it to the board because we knew the budget; we knew there wasn't enough money for it. If the minister is able to give a great deal of money to develop these programs, we would welcome these programs because this is needed, even now, even before Bill 81. For students who are suspended and expelled, this is needed. Believe me, after 20 days of suspension, particularly at the secondary level, when these kids come back, they're not necessarily very eager to learn.

Speaking to the Hamilton-Wentworth district board, our police chief in the Hamilton-Wentworth area has gone on record as saying he doesn't agree with suspensions and expulsions because you're basically moving the problem from the school to the street. In the absence of these programs—I still can't figure out how the minister's going to have them developed without a great deal of money or space in the schools, which as a previous member mentioned, is non-existent now—these kids will move to the streets and crime on the streets will increase, in which case this bill should really be called the "safe schools, dangerous streets, act." That's exactly what's going to happen.

It's much more preferable to work with the police to refer these very dangerous students to the police rather than having a mini-police department within any school.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to make a few comments about Bill 81 tonight. This is a policy that of course continues to evolve. I'm always interested to hear the minister, because one week we're going to have a mandatory pledge of allegiance, and then the next week it's going to be a voluntary pledge of allegiance. I have a constituent who's travelling this season in Great Britain. He was telling me the other day, "My, the Ecker plan about some of these matters seems to be much more prescriptive in the province of Ontario than it would be here in the home country of England."

I guess none of us should lose sight that Bill 81 is more about politics than it is about good policy. I want to say that it's a product of the separate schools of Ontario in the 1950s and 1960s. I certainly know what it is to be in a place where there are codes of conduct and fairly strict rules, both secular and otherwise.

In some ways I consider myself a bit of a conservative on these matters. I spent a little bit of the winter teaching a university course. I haven't done that in a while. I'm not quite as democratic on some of these matters as I might like to be. I sometimes fantasize about what I would do if I had the likes of Mike Harris and John Snobelen in my class. I might have hoped for and I would have probably striven for a more positive result when I think about some of the people who opine regularly about schooling and results, and think about what they did with their not inconsiderable intelligence but with apparently quite idiosyncratic attitudes. I'm

trying to be as polite and as diplomatic as possible because I wouldn't want to inflame anybody tonight.

Mrs Lyn McLeod (Thunder Bay-Atikokan): Liberal arts courses? Do you think he'd be seriously interested?

Mr Conway: Oh, listen, I have known the member for Nipissing for almost 20 years. He's a man of some considerable intelligence. I wonder, what was it that explained some of the underperforming? It's certainly not because he lacks the intelligence. It must be about attitude. When I get the lectures that I get continually from the member for Nipissing about codes of conduct and what needs to be, and then I think about what actually was, I guess I should be guided by that old injunction, "Do as I say, not as I did."

I was struck by an extremely good program that aired on the CBC national television news about three or four weeks ago. Some of my colleagues may have seen it. It was about Parkdale Collegiate here in the west end of the city of Toronto. My friend Rosario is here tonight. I don't know whether he saw the program. He may know the program. Anybody, any parent, any educator, any legislator, watching that program would have been struck by the kind of initiative that school and that community and that board had developed with apparently high levels of success to get at a number of the issues that undergird some of the issues in Bill 81.

I was struck by that program in a number of respects. One of the parts of the program that really stuck with me that night was both the students and the teachers and a particularly heroic vice-principal talking about the great danger of zero tolerance. The politicians love zero tolerance. It sounds so very good. In that school, where very considerable success apparently is being achieved, zero tolerance is seen as very much the problem.

My concern about some of these issues that are addressed in Bill 81 is that the politicians—I don't even mean to be partisan here because I hear the Democratic President of the United States and I hear the Conservative Premier of Ontario and I hear some of the same phrases. They are phrases crafted by and for Madison Avenue.

Politics is easy. These last few weeks I've been getting these submissions from people like firefighters in Eganville asking me, "Where on earth did this squeegee bill come from?" We know where it came from. I remember at the time people who know the law better than I saying: "This bill is all about politics and it's going to cause you a lot more grief. You are going to end up—you say you're setting out to catch certain kinds of fish. You're going to have a net full of all other kinds of fish."

That's what we've got, not just in my county, but my friend Ms Dombrowsky is here from Hastings-Frontenac-Lennox and Addington. She's got her stories. My colleagues in Ottawa tell me of their stories.

Make no mistake about it, the squeegee bill was all about politics. It wasn't about administration, because if it had been about administration we would have simply applied the sanctions we had. So now the poor old Attorney General, I am sure, is quietly beaver away trying to find a retreat from whatever that bill number was.

There will be a retreat because no Attorney General, no sane person, wants to have to stand up and look at the Eganville firefighters or anyone else and try to explain the inexplicable or defend the indefensible.

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Again, to give Ms Ecker some credit, she has moved on Bill 81 and the oath of allegiance is now voluntary. The original proposal was something quite different. One can just imagine, and particularly in urban communities like Metropolitan Toronto or Hamilton or Ottawa, the surreal quality of administering the oath of allegiance on a mandatory basis to a roomful of recently arrived new Canadians. I think of a school I visited in Hamilton not that many years ago. I thought to myself, can you imagine trying to do what was originally intended? Of course there is now a sensible retreat from that first position.

The other comment I would make, because I spend a fair bit of time in and around the schools and this past winter had the quite delicious experience of teaching a course myself at the university level, I look and I ask myself, how do some of these things come to pass? I'm one of the members who thinks one of the great treats we have in this place is the library. I love the legislative library and the people who work there. But I'm struck by how few of my colleagues I see in the library. I suppose the answer is, "Well, they're all on-line and they don't have to do it the old-fashioned way that some of we antediluvians do." But I tend to spend a fair bit of time in the old-fashioned way, actually reading books and newspapers in this wonderful resource centre that we have.

I found at the university this winter that the university has very good library facilities, but a lot of these kids are like their parents: They seem to embrace an electronic and not a literary or literal world. I could complain about that, and do from time to time quite vigorously, but the reality is these kids seem to reflect the world from which they come. I suppose the caution I would offer tonight to the House is that we had better understand that the schools to a real extent reflect the community of which they are a part.

My colleague from Windsor West, Ms Papatello, is talking to me these days about these raves. I don't want to sound really unfashionable, but I did a few weeks ago. I find that just quite a remarkable development, the idea that parents are taking 14- and 15-year-old kids to all-night parties, because apparently they are non-alcoholic venues. It is I think really a dramatic commentary on the state of society in Ontario in the year 2000. Maybe I am an old fogey for saying that, but I think that story tells a lot more about the parents than it does about the kids.

So I make the point about Bill 81: It's largely about politics. There are a lot of politicians in this place, many of them on the treasury bench, who profess loudly and vigorously about conditions and standards they would expect to apply to others when in fact they may not have been willing to accept the same standards themselves. I suppose I would sit down with that old injunction, "Let he without sin cast the first stone."

The Acting Speaker: Questions and comments?

Mr Marchese: I agree with 99.9% of what my Liberal colleagues have said, and I will add a few of my comments shortly.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to join in the debate this evening. One of the things the member for Hamilton Mountain brought up is a very interesting subject in terms of kids with special needs, and she is so right. Member from Hamilton Mountain, perhaps you'll want to listen because it's very important. You had brought that up. She brought up the subject: What about the special needs kids?

Let me assure you, through the consultation processes that we went through when we talked to the people—and let me read it from the ministry document how we're going to be addressing this:

"The legislation that was introduced provides for mitigating circumstances that will be spelled out in an accompanying regulation. This will include very clear directions as to what considerations must be taken into account when determining whether a mandatory suspension or expulsion should proceed. We will consult with the minister's Advisory Council on Special Education in developing the regulation."

We have already considered that and we will certainly be making sure that kids with special needs are addressed. There will not be an automatic expulsion. I'm very glad the member did bring that up.

Let me touch base on what else is included. One of the things that none of the members mentioned is that this bill will certainly allow a majority of the parents at any school to decide on a dress code or a uniform. I came through a school system where a uniform was mandatory. Different schools would have different uniforms and it did actually instill within the students a matter of pride. They would belong to a school and they would have a very healthy competition with other schools. That was very important. I certainly recommend it, and I hope that most parents would go along with that, because in the long run it is a cheaper alternative—I see my time is already up.

Mrs McLeod: My colleagues have done a fine job this evening of exposing this bill for what it really is, which is another piece of public relations campaigning on the part of the Conservative government, obviously wanting some kind of a cover for the very destructive and very damaging bill which is actually in a non-public hearing situation right now.

If the government were serious about this bill they might actually present it with some information as to why the zero tolerance policy that was introduced in 1994 by the previous government is somehow failing, because it hasn't been my experience in any school visits I've been making that that policy is absent or is lacking. I would be very interested, if the government is serious about this bill, in hearing how many schools do not have codes of conduct. Is there something missing from the schools' codes of conduct that the government felt compelled to bring in an entire piece of legislation this evening

permitting them to establish codes of conduct? They can do it now. They've been required to do it for some years and they're doing it. Where does the problem lie?

The problem lies not with the schools but with the government's need for a new public relations scapegoat. If they can create the impression that somehow the schools are still out of control, they're full of bad kids and we need this tough legislation, this government can get on with its agenda, which is really whenever it's in trouble it wants to take some credit for doing something on the issue of safety: "If we can target the schools and scapegoat the kids, just as we previously scapegoated the trustees and the teachers, then we can move on with our new agenda thrust."

Fortunately, when they bring a bill like this forward, it gives those of us on this side of the House an opportunity to talk about some of the significant things they've done to education.

I happened today to come across letters that were written by the members for Simcoe-Grey and Barrie-Simcoe-Bradford on the subject of the government doing more for special education than any previous government, which of course completely fails to recognize that previous school boards were doing a great deal for special education, and as part of this government's cuts, \$300 million in cuts to special education, because they ignore what the schools boards were putting into special ed before.

Mr Dominic Agostino (Hamilton East): I want to thank my colleagues, who have outlined clearly and eloquently the weaknesses in what I consider a Mickey Mouse piece of legislation.

The member for Bramalea-Gore-Malton-Springdale—it took me two minutes to get that out—talked about consulting. The reality is that, as with most education bills this government passes or brings forward into this House, there's very little consultation. The teachers are ignored. They will selectively consult with certain parents or certain groups that they choose. This bill is no exception.

Most teachers I have spoken to and most principals I have spoken to right across this province feel that the way the system is now with regard to zero tolerance and the way the system is in place for expulsions or suspensions works fairly well. School boards have developed codes of conduct over the years, zero tolerance policies, dress codes. I went to a Catholic high school in Hamilton. There was a dress code at that point.

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These are not revolutionary ideas that somehow are going to reform this falling-apart school system that you believe exists out there. The reality is that this is nothing more than public relations. My colleagues have mentioned that this bill is smoke and mirrors. You had some wacky, what I consider stupid, ideas in the first part of the bill. You moved away from those. So what you now are left with is basically—I would like to members to point out, what really is in this bill that school boards are not doing now? Except now you're putting the onus

more on teachers, and they don't want that onus you're putting on them. You're putting the onus more on principals. Principals didn't ask for the power you want to give them.

The reality is that whenever you get off your agenda, whenever something happens across this province that takes you off your agenda, you go back to one good old standby, and that's either beat up on teachers or beat up on welfare recipients. This is a perfect example of that. You can always count on a bash-the-teacher bill, bash-the-education-system bill, when this government starts to slide in the polls, and this is another perfect example of that. It's a useless piece of legislation that you should be ashamed of.

The Acting Speaker: In reply, the member for Parkdale-High Park.

Mr Kennedy: I want to congratulate the speakers who came from our side tonight, particularly the member from Frontenac-Lennox-Addington, the member from Renfrew and the member from Hamilton Mountain.

It's essential that people realize that there is a need for a serious effort by the Legislature to look at how to support successful schools, and safety is part of that. There's nobody who would say that's not part of our objective. In fact, there are some schools in some places that need more help than they have today, and it is sad to offer them this threadbare effort by this government. There is nothing that will help, for example, Parkdale Collegiate, one of the most successful collegiate in the province. Its problems are not in the school. There are tremendous people in that school today, but for some reason, parents of nearby neighbourhoods are reluctant to send their kids to that school. The reason is that they need a safe school zone; they need some of the activity outside of the school to be dealt with.

That's our proposal, that will be our amendment, and if you're serious, have even a scintilla of sincerity and seriousness about this subject, you'll pass that amendment. If you believe that kids can't be thrown away, that they can't be tossed out on the street, tossed into the malls, if you're not willing to give up on them when they're eight, nine, 10 or even 12, 14, and yes, even 16, then you'll also accept our amendment for safe school teams. You will see that every school has the capacity within it to deal with situations before they arise, to prevent them, to make sure they don't happen, and yes, after they've happened, to make sure things are there, because they're not there today. They're far less likely, 38% less likely, in elementary schools to have the services of a psychologist because of the actions of your government.

Will we see you take responsibility? Will we see you show respect? We'll learn that when this bill moves to the voting stage.

The Acting Speaker: Further debate?

Mr Marchese: I'm happy to have this opportunity to speak to Bill 81. I'll say to the public that you often will only see one New Democrat or two speaking on a particular bill. You may wonder why. We are a small caucus

of nine and we can't divide our forces to the extent we would like. But I've got to tell you, and I'll say it in Spanish: No somos muchos, pero somos machos. I'll translate it for your benefit, Speaker. It just rings well in Spanish. The translation is not as effective. It means, "We're not many but we are strong."

Interjection.

Mr Marchese: No, it wasn't that. Please, don't say rude things that we cannot say in this place in another language.

To use another Latin expression, "Quis fit, homo?" That's a Latin expression that has currency today. It means, to be helpful to you, Speaker, and to the general public, "What are you doing, man?" in reference to Harris, or more literally, "What's happening, man?" That's the question a whole lot of people today in this society are asking: "Quis fit, homo?" meaning Mr Harris. I keep on asking that same question. A whole lot of people are asking that question.

I was listening to the speakers before and you could feel the cold-pressed olive oil kind of presentations. Did you not, Speaker? Because I felt it, cold-pressed olive oil kind of presentations. I heard the member from Niagara Falls. He was so calm, cool and collected. He wasn't moved at all by anything anyone might have said. He spoke, as Harris instructed all of you boys and women to do, and he said, "This is about better quality in education." He and others, my good buddy from Barrie-Simcoe-Bradford, make reference to the whole idea of accountability. All of you said that, pretty well. I would not be wrong in saying that. I think you may have made reference to, if not today, on other days: "The union bosses—there's the evil, there's the rot in society. If we could just eradicate that cancer from the school system." It isn't individual teachers who are bad. God forbid, no. It's the union bosses. They're the bad people. That's the rot in the system, and they're dealing with that. There was of course reference to change being necessary, that we've got to change. It doesn't matter what kind of change, but we've got to change, because the status quo is bad. It doesn't matter what we're talking about, the status quo is bad. There was reference to, "We're doing it for the students." I love that one. "We're making these changes because we really care about the students." And the big one—well, I already mentioned quality and accountability. These are the cold-pressed olive oil words that the members use constantly in this place.

My friend Sean Conway says that this bill is a bill in evolution. Well, I say that you guys are cunning in your politics. There's nothing evolutionary about your stuff, your presentation of policy issues or bills. What you guys did that was brilliant is that two months ago, your minister went to—let me just check. Where was it that she went to? The Eagle Project, the Peel District School Board. I was there because I wanted to hear what she had to say. She made a whole number of announcements that day. In reference to what Sean said, that this is an evolving kind of matter, no, it's politics. They said that the pledge of allegiance to the Queen will be mandatory

and now it's not so mandatory. Is that evolving? No, it's you guys who are so brilliant and cunning. You test the waters out, then you come back a month or two later and say: "Ha, the public says this is perhaps not a very smart idea. Perhaps we should make it optional."

Mr Brad Clark (Stoney Creek): It's called responsible.

Mr Marchese: No, it's called cunning. It's called Machiavellian. It's getting to that point, isn't it?

At the time there was so little detail she presented, but detail with this government is almost completely irrelevant, isn't it? It's the message that matters, right? What is the message? For the non-thinking public, for the common folk, the message is: "We are being tough on those students who are just not able to be dealt with in any other way. So we've got to bring in a bill, Bill 81, that deals with them." That's the message. Was there any detail? Please, it's irrelevant. Why would you need detail when you have done a brilliant job of dealing with behaviour, of making it appear like we're still in the Middle Ages because nobody else did anything before? Oh, it's true the New Democrats brought in the code of behaviour in 1994, but you mustn't tell the public that. You must remind the public that we are in the Middle Ages, or a little farther ahead, in the time of Machiavelli, and that what we need is a government that finally has come in the 21st century to fix things. That's what you need. And please, don't encourage the public to think, because I don't think they really need that, because you're doing the good thinking for them. Is that true? Am I wrong?

Mr Clark: You're hurting the public.

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Mr Marchese: Really? The way I see it is that what you have done is to simply let the public have the rest that they so richly deserve because they're so stressed out. To bring them to committee meetings would be such a burden to them, wouldn't it? Some of these people work at two or three jobs, stressed out of their minds as public servants because they are doing double the work after firing 20,000 of them. The private sector is demanding more because they fire people, the sector that says, "We can make more money and more profits by firing workers." They fire people as a way of making more money, and the few people who remain are doing much more of that work. Civil servants stressed out of their minds, people in the private sector stressed out of their minds, unable to have the freedom and the time they need, so you're doing them a favour, aren't you? You're saying to them: "Bill 74 is a good piece of legislation. It takes care of the union bosses. That's all you need to know."

Tomorrow we're going to Barrie for two hours, the riding of Barrie-Simcoe-Bradford, and on Friday, through the magnanimity of this government, we have a whole day. As I say, it's because you people are so kind and so thoughtful of that public that is unable to come to public hearings that you have decided that democracy is best served by keeping them at home and ignorant. If I'm

wrong, you have to let me know, because that's how I see it.

Mr Tascona: You're wrong.

Mr Marchese: I'm wrong. I ask you then, Joe Tascona from Barrie-Simcoe-Bradford, if you are so proud of Bill 74, the one that whacks the union bosses and the teaching profession in ways that we have never seen before, why isn't it possible for you to give a week of hearings, two weeks of hearings, possibly three? If you're proud, and if you really want to get people to come and see and hear what you've done, why don't you have more than just a day and a half of hearings?

How do you define democracy? I define it as public participation, public involvement, civic involvement, a desire to participate as a way of helping shape public policy. But you've already done that. Bart Maves from Niagara said you've already consulted with students, teachers and union bosses. If you've done all of that, you don't need to hear from them any more.

The Tories have relieved the good citizens of the burden of thought and the responsibility of debate. That's the tragedy of what this government is doing. I have to tell you, I am very concerned about where this government is taking us.

On this issue, Bill 81, people need to understand it's a law-and-order kind of initiative. That's the politics of this bill, because how would you explain it otherwise? We had a code of behaviour in existence since 1994 that, dare I say, was a much more intelligent piece, a much more comprehensive piece of legislation, a piece that dealt with behaviour in a way that I think teachers and the general public expects us to deal with it. You would think we were in the Middle Ages before this government came and that they have come and brought civility and have brought, good God, some enlightenment to the Dark Ages, because we had nothing before.

We had a lot, but I want to tell you, the cuts to services that parents need, the cuts they have made, make it very difficult for us to deal with troubled youth and bad behaviour.

Just to cite a few examples for the benefit of the people watching, in Windsor-Essex there are 1,000 children on the waiting list for mental health care. The rate of re-referral is a shocking 37% among these children. In Halton, teenagers wait six to 18 months to see a psychiatrist. In 1998, the Ontario child advocate estimated that 80% of youth in young offender facilities have mental health problems. In 1995, the Harris Conservatives eliminated funding for 64 community youth support programs serving young people between 15 and 20 years of age—all to pay for a tax cut for the wealthy. To help pay for their tax cut for the wealthy, the Harris Conservatives eliminated funding for adult and family counselling in 118 programs. There were almost 30,000 more poor families in Ontario after one year of the Harris Conservative government. Families are the fastest-growing group of homeless in the province. Sometimes an older kid has to leave to give the rest of the family a break from feeding and housing him or her.

Some background on violence in schools in terms of what we did when we were there: We all know the Harris government has cut anywhere from \$1 billion to \$1.5 billion. I know M^{rs} Ecker, the minister, says that isn't true, because only what they say is truth and what we say is not. Is that correct? The minister nods her head. So the good public, in the context of everything they're seeing, in the context of Walkerton, has to have a good sense that the money that should be there to protect them and to protect the water they are drinking, that protects their health, isn't there. They've cut in the Ministry of the Environment and in the Ministry of Natural Resources to unthinkable levels, again to subsidize a tax cut.

The question I have for you is, is that tax cut worth it versus the cost to human health, the cost to the environment that is directly linked to our health, the cost to our educational system and the cost to our social services? Is that tax cut worth it? I argue no.

You have bamboozled the public with your billion-dollar boondoggle of giving them, just to buy their votes, 200 bucks. To buy their votes you've given them a mere 200 bucks—bamboozled with the biggest boondoggle this province has ever seen. Mr Ernie Eves says, "It's their money": \$200, a collective \$1 billion, just gone. So when we say they've cut \$1.2 billion, \$1.5 billion from the school system, who do you believe?

Is the tax cut that you may or may not have seen worth the damage to the environment, our health, our social services and our education system? Is it worth it? Is the \$200 they're giving you to buy your vote so you can get a cheque in the mail that you can see worth it in the context of the social disasters that we are only beginning to witness? Walkerton is but a mere symptom of what is yet to come. Good public, citizens of Ontario, you ain't seen nothing yet.

You people are often treated as taxpayers and they refer to you as taxpayers. I say to you that often the problems of society need to be dealt with not as taxpayers but as citizens. We have a social duty and responsibility to respond to many of the problems of citizens, and you must change your attitude that you've been fed by Tories and rich people of this province that all you need to worry about is to think of yourselves as taxpayers whose only thought is how much money this government can give you back.

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The Harris Conservative government removed violence prevention from the new secondary school curriculum. Why on earth would a government remove violence prevention from the new secondary school curriculum? Is it because New Democrats introduced it? Is it because it dealt with prevention?

In 1994, Ontario's first NDP government released a violence-free-schools policy that was developed after consultations with 3,000 people participating in 18 different communities. The overwhelming message from those 3,000 people, in spite of the nods to the contrary that I'm getting from some of the members, was that we need to involve the whole community in violence prevention,

that it isn't something you can do on your own, that a teacher can solve on his or her own. The policy takes a broad view of violence that encompasses not only bullying and weapons possession but racial and other slurs and discrimination. But unfortunately the Harris government has made cuts that have made some of the causes of youth violence more severe.

They have also cut the supports youth need, whether through community agencies or school staff like guidance counsellors, social workers and others, and eliminated the anti-discrimination branch in the Ministry of Education. These were things that were in place before these fine people came to make a mess of it. They took away all the measures we introduced that dealt with prevention, that brought in the entire community to solve the problems of crime, to do prevention that involves everyone, because it isn't something that individuals alone must take responsibility for but that we all as citizens must be actively participating in as part of that solution.

I recall the press conference that the minister had a couple of months ago where she said, "We will reverse bad behaviour." How? "We'll just expel students." No more detail was given; no more detail was necessary. Who will protect the teachers from possible liability should they suspend somebody where the student decides through due process that the teacher will be taken to court and finds that no due process was there? Who protects that teacher from the liability? I'm not certain. The minister and the members don't speak to that. The minister was asked during that press conference, "Is there an appeals process?" She said no. "Will there be an appeals process to deal with suspensions or expulsions?" She said, "No, but maybe in the future." That was a press conference a couple of months ago. "Is there any evidence to show that this approach in terms of expelling students, just that approach of expelling, works?" No, there was no evidence; she could give none, except she said: "We talked to students; we talked to teachers; we talked to school boards. That's enough evidence for this government." "Where will the expelled students go?" The minister had no details.

No detail was necessary because you achieved the political goal you were looking for. What was that political goal, what was the message? The message was to tell the public that only this government, through a law-and-order kind of agenda, will solve the problems of bad behaviour. They will expel students and bad behaviour will simply magically disappear. I think we all know that bad behaviour doesn't just magically disappear, does it? No. John, you were a teacher, weren't you?

Mr John Hastings (Etobicoke North): Yes.

Mr Marchese: John, if you were to expel a student—

Mr Hastings: We did, plenty of them.

Mr Marchese: We did indeed. That's part of the point. We did expel students under the old policies. When it was necessary, we did that, and there was a sound process in place to deal with that. But the other matter—John, as a former teacher, when you expel students, doesn't the problem come back to you and

don't you have to deal with that problem again? What do you see as your role as a teacher? Is your role as a teacher simply to expel them or to find a way to reach them? I ask you, what kind of teacher were you? What kind of teachers would some of you have been in that system? I know some of you were teachers. Wouldn't it be in your interests to find ways to reach students? It would be in my interests, because a whole lot of teachers have turned students around on the basis of what they did and how they worked with the students as opposed to simply saying, "You're gone."

It's so easy for a Tory to give that solution, because the common folk love the simple solutions. We've got a problem? We simply make it disappear. That's good Tory politics. Tom Long loves that kind of politics. He was a good adviser to this Premier and to M. Brian Mulroney. He's going to bring these policies from the provincial level to the national level, God bless him. I'm worried because the religious communities are saying they might be supporting Stockwell Day. Some of the religious communities are sending out the message they should be supporting Stockwell Day, but I suspect they would support M. Long or M. Manning. Rampant child

poverty in this system, in this province and overall throughout all Canada, more and more people working harder, longer, for less than ever before, and you have some church communities wanting to support a M. Stockwell Day? Wacko, I tell you. I think it's wacko.

Speaker, please let me know how much time I've got so that I—

Interjection.

Mr Marchese: I've got two minutes, M. Ramsay. They want to support Stockwell Day. Either my senses are being deranged or their minds are deranged. It's bad. We have poverty unlike ever before. We are seeing a growing gap between the very rich that you support and the very poor at the bottom. It was started by M^{me} Thatcher in Britain and Mr Reagan, about whom I will have more to say tomorrow when I speak to this issue. I just want to remind the good public that I'll be on tomorrow night at 6:45 for my remaining time.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2130.

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		York West / -Ouest	Cordiano, Joseph (L)
			Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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No. 68A

N° 68A

ISSN 1180-2987

**Legislative Assembly
of Ontario**First Session, 37th Parliament**Assemblée législative
de l'Ontario**Première session, 37^e législature**Official Report
of Debates
(Hansard)****Journal
des débats
(Hansard)****Wednesday 7 June 2000****Mercredi 7 juin 2000**Speaker
Honourable Gary CarrPrésident
L'honorable Gary CarrClerk
Claude L. DesRosiersGreffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 7 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 7 juin 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

CORRECTIONAL SERVICES FUNDING

Mr John Gerretsen (Kingston and the Islands): Yesterday the headlines of the Kingston Whig-Standard screamed out, "OPP Will Pull Plug on Pen Squad." Once again the residents of my riding have seen the effects of the government's downloading and its negative results on the local property taxpayers. Yesterday the city of Kingston was unilaterally informed that the OPP will abandon a 15-year commitment to investigate crime in the six area prisons in the Kingston area. The OPP staff of six top-notch investigators involved in the joint forces penitentiary squad will cost city taxpayers an additional \$1 million annually.

Neither the chief of police nor the police services board were advised of this. City Police Chief Closs stated to the Whig-Standard, "We were stunned by the announcement" without even waiting for a high-level meeting that has been promised by the province.

Although the Solicitor General hastily asked the OPP to withdraw its letter and has agreed to further discuss the issue with city officials, undoubtedly the municipal taxpayers of my community will end up picking up more of these provincial costs. All the Solicitor General said was that "the letter was premature" and that the city should be footing a larger share of the bill.

This is another example where amalgamation and downloading is not only not saving the local taxpayers money, but is actually costing the local property taxpayers more money. My advice to the Solicitor General is to keep the joint forces penitentiary squad, continue to fund your officers to this force and stop the continual downloading of province-wide services to the local municipal property taxpayers.

SILVER BIRCH LITERATURE AWARDS PROGRAM

Mr John O'Toole (Durham): I rise today to inform this House of my riding of Durham's participation in the Silver Birch literature awards program. This award is presented to the Canadian author of the book chosen as the most outstanding of the year by grade 4, 5 and 6

children across Ontario. In order to cast a vote, these children must read at least five of the books from the list of candidates in either the fiction or non-fiction categories.

This year's non-fiction titles include Alexander Graham Bell: An Inventive Life; Canada's Maple Leaf: The Story of Our Flag; and Meet the Group of Seven. This is an excellent program in many respects. It rewards children for reading by giving them direct input into the selection of the winners. It encourages our young people to read books such as those I have just mentioned which they might not otherwise have read.

The Silver Birch program also honours and encourages imaginative authors who create works that appeal to Ontario's children.

This program would not be possible without the hard work of the dedicated teacher-librarians who organize the program within their schools and encourage and assist the children in their participation. Some of the teacher-librarians in my riding of Durham who have contributed their efforts are Joan Butt of Cartwright public school, Pam Fis of Prince Albert public school, Stella Kranz of John XXIII, Coleen Power of R.H. Cornish, and Isabelle Hobbs of S.A. Cawker.

The official award for Ontario will be presented in London on June 10. On June 12 there will be a luncheon in Durham. It will allow the children in my riding to meet the authors and the community leaders to discuss their reflections on the books.

I'd like to congratulate the teacher-librarians, the authors, the program coordinators and especially Ontario's children who participated, and thank them for their valuable input to the program.

CANCER TREATMENT

Mr David Ramsay (Timiskaming-Cochrane): Many of us have stood in this place and have begged the Minister of Health to treat northerners as she does southerners when it comes to access to cancer treatment. Time after time, we get the bureaucratic response from this Minister of Health that the southern Ontario patients are being "re-referred," as she says, from their region because the treatment is not available locally. That's why southern Ontario patients get airfare, hotel and meals when they are sent to Thunder Bay and Sudbury for cancer treatment. Northerners have never had access to many of the kinds of treatments locally in our area for years and years and have had to, historically, go to

southern Ontario for treatment. But when that happens, we only get a one-way mileage allowance, not full expenses.

What's the real story here? Is it because southern Ontario patients never had to travel before, but do now because of the minister's mismanagement of the ministry, that the government feels obliged to pay the full cost, whereas northerners, who have never had these services, have to take the lower form of compensation?

This makes us angry. You continue to treat us like a Third World colony. We, in the north, are sick and tired of being treated like dirt. If it's good enough to pay the full fare for southern Ontario patients who can't get treatment locally, then it should be good enough for northerners to get the same assistance. This is discrimination. You're providing benefits to one group of Ontarians and not to another based on where they reside in the province. This is wrong, and we will continue to fight until you bring fairness to all cancer patients across Ontario.

HALDIMAND-NORFOLK ECONOMY

Mr Toby Barrett (Haldimand-Norfolk-Brant): Recently, a prominent global company, Robin Hood Multi-foods, known locally as Bick's Pickles, announced ambitious plans to relocate its processing facilities in the town of Dunnville, located in the east end of Haldimand. I know Minister Hudak is very heartened to have this development coming into Dunnville, as the \$18-million investment will mean about 140 new full-time jobs for the area.

In October 1998, I had the pleasure of attending a previous expansion by Bick's in my riding with former Agriculture Minister Noble Villeneuve. At that time, Bick's had just finished the first phase of construction of a cucumber tank farm just outside of Delhi. Since then, the tank farm has expanded and is now employing five full-time staff and 15 seasonal employees, with 600 storage tanks holding up to 30 tonnes of cucumbers each.

It's encouraging to see companies like Bick's investing in rural Ontario. These investments in Haldimand and in Norfolk have provided a kick-start to the local economy. They're giving rural Ontario exactly what is needed—a way to diversify the economy and add value to agricultural products right at home.

There's no reason why farmers have to send their products down a highway to Toronto or London to be processed. There are plenty of opportunities for value-added processing in rural Ontario, and it's great to see Bick's Pickles capitalizing on these opportunities.

INTERGENERATIONAL WEEK

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): June is Seniors' Month and the first week has been designated as Intergenerational Week. As part of an International Year of the Older Person initiative, the Marmora Seniors Club 87 embarked on a project with students from the three community

schools, Marmora Senior Public, Earl Prentice and Sacred Heart schools.

Students were asked to submit artwork that would depict their favourite activities with family members who are seniors. These beautiful pictures were then transferred on to fabric pieces, which the seniors took and pieced together to make four quilted hangings. On Saturday, June 3, the quilted hangings were presented at a special seniors' tea to the three retirement homes and one long-term-care facility in the village.

These quilts are absolutely beautiful. The artwork depicts children fishing and playing checkers with granddad, gardening and making cookies with grandma, as well as watching TV or going for a walk with the seniors in their lives. I know these lovely quilts will brighten the homes where they hang and bring a smile to the face of those who gaze on them.

I want to take this opportunity to congratulate the children of the Marmora schools and the Marmora Seniors Club 87 for this great intergenerational project. It is an example of how youth and seniors can record in a permanent way the value of children in the lives of seniors and the value of seniors in the lives of children.

1340

RIVERDALE YOUTH SINGERS

Ms Marilyn Churley (Broadview-Greenwood): On Monday, June 5, I attended the spring concert of the Riverdale Youth Singers, entitled A Salute to Canada 2000. They honoured the arrival of the new millennium by singing songs to represent every province and territory in Canada. My favourite, I have to admit, was their fascinating, delightful rendition of "T'se the B'y," but every province was well represented.

This was an amazing group of children, from small ones who looked about eight or nine years old on up to teenagers. The conductor was Mark Bell. The drum player and piano player was John Govedas, who is a music teacher. They gave the audience—the parents and community members—an absolutely delightful evening.

This concert was free. It's something that volunteers do within the school: parents and, yes, teachers and community members who are trying to contribute to a full, holistic education for the children. It just goes to show, as I sat there relaxing and really enjoying this music, how important it is that we continue as a government to fund and contribute to arts and music in our schools and in our communities. I know that in this case, over a year ago a small group of interested people sat down and made plans and established this youth choir in Riverdale. I congratulate them.

NORTHUMBERLAND ECONOMY

Mr Doug Galt (Northumberland): I rise in the House to bring to your attention some 500 full-time jobs that have been created in my riding of Northumberland.

Yesterday, a company by the name of Great Dane Limited Partnership Trailers announced the construction of their new trailer manufacturing facility in Quinte West. Construction is planned for later this summer and they expect to be in full operation come next year. Great Dane will be manufacturing approximately 6,000 trailers per year. It is estimated that the plant will employ some 500 people, and I understand that most of these jobs will be hired locally.

The president and chief operating officer for Great Dane is Mr Phillip Pines. Mr Pines and his company said they found Quinte West to be a community that meets their strategic and corporate needs. Essentially, it was the co-operation of the newly amalgamated city of Quinte West and the hard work ethic of rural Ontarians that attracted Great Dane to the area. As the chair of the Task Force on Rural Economic Renewal, I am extremely pleased to hear that the excellent workforce in rural Ontario was recognized by Great Dane.

I extend my congratulations to Mayor Jack Arthur and his council and staff for doing such a marvellous job in welcoming Great Dane Limited Partnership into the community.

MEDICAL OFFICERS OF HEALTH

Ms Caroline Di Cocco (Sarnia-Lambton): I believe the public safety of my constituents is being jeopardized because the main focus of the Harris revolution is tax cuts, downsize and download. Sarnia-Lambton has a population of 120,000 people and we do not have a full-time medical officer of health. Our officer of health, Dr Greensmith, works on a consultative basis for two mornings a week. Chatham-Kent is in the same predicament. Dr Greensmith works in Chatham-Kent one morning every two weeks. That means that 230,000 people do not have a full-time officer of health.

This is yet another example of the fact that the provincial government is not interested in protecting the health and safety of our cities, towns and villages. Public medical officers of health are responsible for immunization, apprising the community of health risks such as dealing with outbreaks, and inspecting restaurants. They are also charged with testing our lakes and rivers in order to assess contamination for swimming.

The health and safety of the people of Sarnia-Lambton and Chatham-Kent are being jeopardized because of this government's policies and ducking responsibilities. The Ministry of Health will not answer our calls on this matter, and the Ministry of the Environment will not answer our questions.

JUDD SHEMESH

Mrs Tina R. Molinari (Thornhill): It is an honour for me to rise today in this House to tell you about a very gifted artist by the name of Judd Shemesh who is a constituent in my riding of Thornhill.

Mr Shemesh worked for the past two years creating a 55-centimeter-high glass crucifix for His Holiness Pope John Paul II. Mr Shemesh is scheduled to present his work to the Pope later this summer.

"Because the carving of the glass is all three-dimensional, when you look at it it's almost like His body is coming out from the glass," Shemesh said of his work entitled *The Crucifixion*.

Mr Shemesh, who was born in Iraq, was forced to flee with his family to Israel in the 1950s. He feels that his accomplishment expresses his heartfelt longing for religious harmony around the world in the new millennium. He said:

"Religion always separates people and you can count the number of wars and millions of people who died in those 2,000 years because of the differences in our religious beliefs. This is a small step from my part to bring religions together, to create unity among people, instead of separation. I created the cross as a piece of art in the symbol of Christians. It's for everybody because art is for everybody."

On behalf of the people of Thornhill, I would like to congratulate and recognize the artist Mr Judd Shemesh, who is with us in the Legislature today, and wish him the very best as he prepares to present this magnificent piece of art to His Holiness Pope John Paul II.

INTRODUCTION OF BILLS

1264030 ONTARIO INC. ACT, 2000

Mr Bartolucci moved first reading of the following bill:

Bill Pr21, An Act to revive 1264030 Ontario Inc.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I seek unanimous consent to put forward a motion regarding private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Sterling: I move that, notwithstanding standing order 96(d), the following change be made to the ballot list for private members' public business: Mr Levac and Mr Colle exchange places in order of precedence such that Mr Levac assumes ballot item number 74 and Mr Colle assumes ballot item number 34.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Motions? Statements by ministries? That brings us now to oral questions.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: We have been told that the Premier is going to be in the House. I wonder if somebody in the government can—

The Speaker: Yes, we did wrap up rather early through the proceedings, so they may not have been here. The chief government whip may be able to help us.

Hon Frank Klees (Minister without Portfolio): Cabinet did go a little bit longer than expected and we do expect the Premier.

The Speaker: The whip is going to try to find him.

1350

DECORUM IN CHAMBER

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker, a matter arising out of yesterday's proceedings and the view of the opposition that the decorum that I know you're striving to achieve be well maintained in the House: We were concerned about the way it was applied yesterday and we're seeking your guidance, because a number of our members got last warnings and it didn't seem to appear that you were doing the same with the other side of the House. We are interested in working to ensure that the decorum I know you want to establish is established and maintained.

The Speaker (Hon Gary Carr): I thank the member. We will attempt to do that. Just so all members are aware, one of the reasons we do that is so that we can get down to the questions that all of the members—in particular, as you know, the leader of the third party and the leader of the official opposition have the first questions. It's my hope that we can get down so that backbenchers on both sides, from all three parties, can get questions.

The alternative is for me to just stand here and let the clock run down. That isn't helpful to the members in the back benches because we don't get as many questions on. There are some days that are a little more controversial. I appreciate all the work because, quite frankly, the vast majority of the members on the vast majority of the days are very well behaved. I thank all members for that.

Mrs Sandra Pupatello (Windsor West): Mr Speaker, are you apologizing?

The Speaker: No, I'm not apologizing. I will if you will, but you'd have to do it more than I would.

QUESTION PERIOD

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: Maybe you can direct me on this. On Monday, June 5, I asked the Premier a question regarding Ontario Realty Corp. You can explain if there's a process for this, but part of his answer was that he didn't know the answer for me but that he would get the answer for me on the question I asked. That's in Hansard itself. It says, "I'd be glad to get the answer." Is there a process for follow-up on that, where the Premier would

have to respond when he makes that statement in the House?

The Speaker (Hon Gary Carr): No, but we take the ministers or the Premier at their word that they will get that information for a member as soon as possible. I'm sure that will happen.

The Premier's now here.

ORAL QUESTIONS

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): The question is to the Premier. Premier, this morning you had to apologize for yesterday smearing the community of Walkerton. This is a community that is struggling to overcome human tragedy, a community that has lost seven of its own, a community that is experiencing a very painful recovery, a community that is frustrated by the fact that it's going to take another six to eight weeks just to get the water turned back on, a community that's very concerned about their financial losses, and especially concerned about the long-term prospects for tourism potential.

Yesterday you added to their burden by accusing them of not getting their priorities right, by telling them that they didn't make water safety and their water treatment plant a real priority. You apologized for that because you had no choice but to do that.

What has really frustrated the people of Walkerton, though, from the outset is your refusal to issue another kind of apology. They want you to stand up and take responsibility for this tragedy. They want you to stand up and say: "It is my government's duty to make sure that water is safe for everybody in the province of Ontario. That did not happen in your case, people of Walkerton. We failed in living up to our responsibility, and so, on behalf of my government, I, the Premier of Ontario, apologize." Will you do that now, Premier? Will you stand up and make that apology for the people of Walkerton?

Hon Michael D. Harris (Premier): I think I have certainly clearly acknowledged that what occurred in Walkerton is a tragedy. Immediately, our government has put into place inquiries and procedures to find out what went wrong, how it went wrong, with a view to two aspects: one, to make sure we can hold those accountable who should be held accountable. Certainly, contrary to what the member has said, I have not been one—or tried very hard; I know that's not the perception of everybody—to assess blame, but to have a process to take a look at what went wrong and how it went wrong.

Second, in answer to the majority of the preamble of the leader's question, I talked with the mayor of Walkerton today and offered him my apologies for misinformation, really, that we provided to the media yesterday. He understood exactly, was very supportive of the action

we've taken. He said, "Mr Premier, I want you to pass on to the Ministry of Environment that we're very enthusiastic about the provincial response and we're very supportive of the efforts that you've taken to date."

Mr McGuinty: Premier, one of the comments you made yesterday to the media when you talked about infrastructure and the priority that your government is lending to that, in particular your SuperBuild program, was that you're making a real priority of areas of sewer and water. I happen to have in my hand a copy of a letter dated May 26 of this year from the Ontario Sewer and Watermain Construction Association. This letter came as a follow-up to a meeting with David Lindsay, who heads up the SuperBuild Corp. In the very first paragraph of this letter it says, "We were disappointed to hear that water and sewage infrastructure is not a primary target area for the infrastructure programs developed by the province."

We're just trying to figure out where the Premier is really at when it comes to making water treatment and sewage treatment in Ontario a real priority, because he said one thing to the media, but somebody who's on the inside when it comes to this issue, who had a meeting with the SuperBuild fund representatives, tells us that this is not a priority. Maybe we'll allow the Premier now to tell the people of Ontario where he's coming from on this issue.

Hon Mr Harris: I appreciate the opportunity. I indicated very clearly on Monday on the radio show—not to assess blame, I think was the way I prefaced my comments, because approvals of our infrastructure programs have been municipal, provincial and federal. I indicated a sense that perhaps in these federal-provincial infrastructure programs that have provided over \$2.6 billion—

Mr McGuinty: SuperBuild is yours.

Hon Mr Harris: I'm sorry; if you'd like to hear the answer, I'd be glad to give it.

Very clearly, to a question in the wake of Walkerton, which was, "Is it time to reassess priorities?" I said, "Yes, I think it is." I think the Prime Minister indicated the same thing, although we hadn't talked. So SuperBuild, which will participate in the new infrastructure program and in the negotiations with the federal government—I made it very clear on Monday, and the Prime Minister has made it very clear, that we intend to put a higher priority on areas of sewer and water. I would think that would be good news across the country.

Mr McGuinty: The Premier says that it took this tragedy for him to begin to reassess his priorities. Why didn't you reassess your priorities when the Provincial Auditor warned you about the state of water in Ontario? Why didn't you reassess your priorities when the Environmental Commissioner warned you? Why didn't you reassess your priorities when your own officials in the Ministry of the Environment found there was E coli back in 1998? Why didn't you reassess your priorities in the early part of this year, when your officials in your ministry found out that there was a problem with water in Walkerton?

It's too late. The horses are outside the barn and the door has been closed behind them. You should have reassessed your priorities a long time ago.

What are you going to do, Premier? Tell us in a specific way, what are you now going to do to ensure that your SuperBuild fund—don't tell me about any other joint infrastructure programs; tell me what you're going to do with regard to your SuperBuild fund to make water and sewage programs a real priority.

Hon Mr Harris: I think the member ignores that while the last federal-provincial infrastructure program was targeted more at transportation infrastructure than at sewer and water, we had a special \$200-million program aimed directly at water and water quality. What we have indicated, because that program is now coming to an end and SuperBuild is now taking over the negotiations with the—

Interjections.

Hon Mr Harris: If the members don't want to hear—it's very difficult, Mr Speaker, with the screaming and yelling and rude interruptions, for me to relay the information. If the members don't want to hear it, I can tell the public directly.

MINISTRY OF THE ENVIRONMENT

Mr Dalton McGuinty (Leader of the Opposition): Premier, on May 29, when you were asked about cuts to the Ministry of the Environment and reductions in inspections, you told this Legislature: "To suggest that this has been responsible for fewer inspections—it's not true. We've had as many tests as we've always had; we've had the same procedures in place."

Premier, I'm trying to figure out once again who I should believe, you or your new Environmental Commissioner, your own hand-picked man, who said the other night that he is "very concerned" about your government's reduction to the frequency of water plant inspections. He tells us that they've been reduced; you tell us that nothing has been changed. Once again, Premier, who's right?

1400

Hon Michael D. Harris (Premier): I guess that's why we want an investigation, to take a look at some of the allegations that have been made by some. I indicated very clearly and I assured the House and I reassure you now that there have been no changes to the frequency of tests that are required by municipalities, no changes in procedures to be followed with those tests. Absolutely nothing has been reduced in those areas. I also indicated that there has been no reduction in the front-line officers.

Has there been a change in procedures to prioritize within the Ministry of the Environment? That may very well be. That's another question and I am happy to answer it should you wish to ask.

Mr McGuinty: I suggest that the Premier at some point in time take the time to sit down with officials from the Ministry of the Environment and sit down with his own hand-picked Environmental Commissioner and find

out exactly what's happening in Ontario in terms of frequency of inspections.

This is what Gordon Miller said the other day: "Years ago when I was in the ministry we used to try to inspect them once a year. But then when the auditor's report came out a few years ago, I know the ministry instilled a once-every-two-year inspection frequency. Now I hear this week discussion about, you know, the reporting frequency was once every three years"—once every year, once every two years on your watch, Premier, and now according to the Environmental Commissioner water systems are being inspected under Mike Harris's Ontario once every three years.

Why is it, Premier, that you insist on telling us that no changes were made to the frequency of inspections on your watch when your own officials inside the ministry and your Environmental Commissioner are telling us something completely different?

Hon Mr Harris: I don't recall being asked about the frequency of inspections. I was asked about the frequency of testing, I was asked about the procedures, I was asked about all those, and I indicated that those were the same. If you wish to get information on the frequency of inspections and the history of that, I'm sure the Minister of the Environment would be happy to respond.

Mr McGuinty: Premier, I want to again remind you of what you said in response to a question about cuts to the Ministry of the Environment and reductions in inspections. You said: "To suggest that this has been responsible for fewer inspections—it's not true. We've had as many tests as we've always had; we've had the same procedures in place." Will you now admit that that is not true, that we have fewer inspections today than we had in years past and the reason we have fewer inspections today is because of something that you have done inside your ministry?

Your spin keeps getting in the way of the facts. One of the most frustrating things for the people of Walkerton and the people of Ontario is that you just won't own up to the truth in these matters. First you blame the NDP, then you blame human error, then you blame the community of Walkerton and now you're saying no, there never were any reductions in inspections, when the facts tell us that something is completely different. There has been a reduction in inspections. Premier, why don't you just admit that?

Hon Mr Harris: I'm sure the minister can respond to the frequency of inspections and the intensity in some areas and the priority areas, if that is the area that he wishes to follow. But I'm happy to repeat—I won't do it word for word but it will be the same as the response I gave about testing—there is absolutely no change to the number of tests required or the procedures to be followed with those tests. That's what I said in response to that question.

WATER AND SEWER INFRASTRUCTURE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Yesterday you and your Minister of the Environment tried to blame the municipalities of Ontario for the tragedy in Walkerton and for the polluted water crisis. You and your Minister of the Environment tried to say and tried to have the people of Ontario believe that Ontario municipalities were being irresponsible, that they weren't making thoughtful investments in water and sewer projects. That information is completely untrue.

The last year for which the information is available, 1997, the municipalities across this province invested a total of \$2.85 billion in water and sewer programs. Meanwhile, your Ministry of the Environment could only find \$240 million. They put up 10 times the amount of money your government did, so it's completely false information.

Premier, do you still have confidence in a Minister of the Environment who so blatantly puts forward information that is so obviously untrue?

Hon Michael D. Harris (Premier): I guess anything goes and you can say whatever you want when you're in opposition. Let me say that clearly the premise—

Interjections.

Hon Mr Harris: If the members don't want to hear the answer, I'm happy to talk to the public.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): On a point of order, Mr Speaker: The leader of the third party used the expression "patently untrue" relating to a statement by the Minister of the Environment. He should withdraw that, in my submission.

The Speaker (Hon Gary Carr): The member will know that sometimes I miss things. At that particular time I was looking at someone else. I will try to listen carefully. I did miss what was said, but the member can withdraw it on his own if he wants to. Supplementary.

Mr Hampton: Premier, not only that, but we also have the information for 1996, and so I want to ask you about that. In 1996 the municipalities of Ontario invested \$2.68 billion in water and sewer projects. They increased that in 1997 to \$2.86 billion. Let's look at what your Ministry of the Environment did. In 1996 they had \$369 million available for sewer and water investment. In 1997 they cut it back to \$240 million.

So the reality is quite the opposite of what you and the Minister of the Environment tried to present yesterday. In reality, municipalities have been increasing their investment in water and sewer projects as your government has been cutting them back. My question remains the same: Do you still have confidence in a Minister of the Environment who presented information yesterday to the public that is so obviously not true?

The Speaker: This time I was listening. The member can't say something like that. He can rephrase it in another way; he can't say it like that.

Mr Hampton: Do you still have confidence in a Minister of the Environment who presented information to the public that was so obviously incorrect?

Hon Mr Harris: I think I made it very clear that the information I gave to the media on Monday is the information that was incorrect. I have apologized for that and corrected the record.

I believe the information the minister gave dealt with the special program of \$200 million that was made available to municipalities at the same time as we offered \$2.5 billion of tax room in exchange for municipalities taking over sewer and water. The responsibility for sewer and water is now 100% the municipal responsibility, as you know. However, we did make available to them in that transition, in addition to \$2.5 billion of tax room each and every year, an additional \$200 million.

Now I have indicated, and I'm pleased that the Prime Minister of Canada indicated as well, that as we look at our infrastructure programs—federal, provincial and municipal—we ought to put new priority into sewer and water as well before we get to some of the other priorities.

Mr Hampton: I did get one acknowledgement there. We finally got an acknowledgement that this government did download the responsibility for water and sewer on to municipalities, and that at the same time, you were cutting your budget devoted to sewer and water projects and to the protection of Ontario's water supply. We're finally starting to get somewhere.

1410

Hon Margaret Marland (Minister without Portfolio [Children]): You're lying.

Mr Hampton: Premier—

The Speaker: Member take his seat. Minister, I did hear that. You have to withdraw that.

Hon Mrs Marland: Mr Speaker, is there a different standard for the leader of the third party—

The Speaker: No, Minister. Sit down. Either you withdraw it or you do not. Last warning and I will name you. I heard you. On some occasions I do not hear things; that time I did. I heard you distinctly. Last warning or I'll name you. Either you withdraw it or I have to name you.

Hon Mrs Marland: Mr Speaker, I'll withdraw it.

The Speaker: Thank you. Leader of the third party.

Mr Hampton: Premier, our point is this: I don't know how you can have confidence in a minister who has from the very beginning been so completely incompetent on this issue and has so incompetently provided information that is incorrect to the public.

I want to ask you another question. This is about a community, Bruce Mines, that two years ago applied to your so-called provincial water protection fund because they realized that there were problems with their water system. Your provincial water protection fund turned them down. So Bruce Mines today has a boil-water directive because their water is now polluted. Premier, this is the same provincial water protection fund that your government said earlier it was going to eliminate this year. Is it now your position, since you intended to elim-

inate this program, that your government has no responsibility whatsoever for the quality of drinking water in this province? Under your new rules, is that exclusively a provincial responsibility? If it's the case that it's strictly a municipal responsibility, why don't you ask for the resignation of your Minister of the Environment, because he's clearly not doing the job for anyone?

Hon Mr Harris: Of course clean water is a significant responsibility of the provincial government. It is a significant responsibility of the Ministry of the Environment. We take that responsibility very seriously. As you know, the municipalities asked us to give them \$2.5 billion of tax room, to give them ongoing dollars each and every year so they could deal with that, and at the same time asked us if we'd take on more responsibility for things like education. We responded to that. But in addition, we have responded through community reinvestment funds for those municipalities that have additional challenges; we've responded through a special \$200-million infrastructure program, which is coming to an end, as you have indicated, which is why we are now looking at a new infrastructure program with SuperBuild. We're talking with the federal government in other areas where we would like to be able to ensure that if there are still municipalities that need assistance over and above the \$2.5 billion of tax room, over and above the CRF funding, we might be able to accommodate those requests.

MINISTRY OF THE ENVIRONMENT

Mr Howard Hampton (Kenora-Rainy River): It's interesting: Yesterday the Premier was blaming the municipalities; today he admits they might need some help.

This question is for the Premier again. The other part of the equation is when you downloaded water and sewer, you also laid off 900 scientists, technicians and inspectors at the Ministry of the Environment who were there to protect the water and there to ensure water quality. The assistant Deputy Minister of the Environment at the time actually wrote a memo and she said that the layoffs at MOE, "will have an obvious impact in the amount of work we can accomplish." That was in 1997, three years ago. Now you and your Minister of the Environment have the gall to march around the province saying: "Nothing has changed. There is no impact."

Premier, people have died. That's been the impact. At least seven people have died from this, possibly 11. Thousands more are ill. Don't you think it's time that you and your government stop blaming one person one day, someone else the next day, municipalities the next day, and admit that you have a responsibility to ensure safe, clean drinking water for the province, and that you have a responsibility to get a new Minister of the Environment, a new agenda and a new budget so that your government can do that? Would you admit that, Premier?

Hon Michael D. Harris (Premier): I am certainly proud to have been elected and accepted the responsibility for ensuring clean drinking water across this

province, a matter we take very, very seriously. In view of the events of Walkerton, when you say that everything has worked perfectly, I think it's pretty patently obvious that it has not. That's why we have a review by the Ministry of the Environment, the Environmental Commissioner may take a look at it, we have a police investigation, we have a coroner's inquest and now we have a full-blown public inquiry to take a look at that.

One of the reasons we were elected was because we had a whole government of incompetence and we had a mess to clean up. We're doing the best we can.

Mr Hampton: Premier, you say that your government has taken these issues seriously. The medical officer of health for the Walkerton area now tells us that on top of the seven deaths for sure, possibly 11, as many as 2,000 people became ill from that polluted water. You say that you took this seriously. Well, Premier, in January of this year, Garry Palmateer, one of those scientists that you laid off because protecting the water wasn't important any more started advising officials in your Ministry of the Environment of the problems with the water supply. In fact, he notified the MOE five times in January, February and March. It wasn't until April that your government responded, and they responded by making a phone call to Walkerton. That's how seriously you take protecting the province's water supply.

Premier, in my view, your government and your Minister of the Environment have failed the test. Will you do the right thing for the people of Ontario: Get a new Minister of the Environment who's prepared to protect our water supply? Would you give that Minister of the Environment a new mandate and, please, Premier, a budget so that he or she can protect the water supply of Ontario? Can you do at least that, Premier?

Hon Mr Harris: Let me thank the member very much for his views. They're very important and we take the views of all Ontarians very seriously, particularly the views of the member and the leader of the third party, who was substantially responsible collectively for the deficits and the messes that we inherited.

Let me say that I have every bit of confidence in this minister to get to the bottom of what went wrong in Walkerton. We have other independent, outside investigations. Any views that you have I'm sure would be welcomed by the soon-to-be-appointed commissioner and the OPP and the coroner's inquest. Certainly I will ask the ministry in its review to take your views under advisement as well. I thank the member for that.

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): I have a question to the Premier. Premier, when you visited Walkerton shortly after the tragedy broke, you left—and I can't recall your exact words—the very distinct impression that no procedures, when it came to water safety in Ontario, had changed on your watch. You talked a moment ago about testing. Let's set that problem aside for a moment and let's focus on the frequency of inspec-

tions. Can you tell us whether or not, Premier, given your own Environment Commissioner's information that he has provided on this issue, there are fewer inspections today than there were in 1995, for example, inspections conducted by a representative of the Ministry of the Environment who goes into a community and looks at the water treatment plant to make sure that everything is operating safely for the people who live in that community? Can you tell us whether or not there are fewer inspections today than there were in 1995?

Hon Michael D. Harris (Premier): I think the Minister of the Environment could better respond.

Hon Dan Newman (Minister of the Environment): Inspections of water facilities occur in this province about once every three years. Facilities are checked; they're inspected on a priority basis so that those needing inspection get inspection. In fact, the new regulation I brought forward last Monday calls for certificates of approval to be reviewed for all facilities, and that would include inspections of all of the water facilities in our province. I would expect that review of those certificates of approval and inspections to be conducted by the end of this year.

Mr McGuinty: Minister, this is a very important question. People throughout Ontario want to know the answer. How often is their local water treatment plant being inspected? It's a simple question. The Environmental Commissioner tells us it used to be once a year, and then it was once every two years, and now, according to his information, it's once every three years. Stand up and tell us: Is that true? Has the frequency been diminished on your watch? How often today in Ontario are water treatment plants being inspected?

Hon Mr Newman: I'll answer the same question again, the same way I answered it the first time. Water facilities in this province are inspected approximately once every three years. They are done on a priority basis, so those that need inspection get that inspection.

I also indicated that in the regulation that will be coming forward there is a review of certificates of approval. All certificates of approval will be reviewed. There will be inspections of the facilities in conjunction with the review of the certificates of approval. We're going to go beyond that to ensure that all certificates of approval for water facilities are reviewed at least once every three years.

1420

EDUCATION LEGISLATION

Mr Doug Galt (Northumberland): My question is directed to the Minister of Education. This week the government is holding public hearings on Bill 74, the Education Accountability Act. I refer to this because in a recent press release on this bill the member for Parkdale-High Park is complaining that there is not enough committee time, and he talks about hiding legislation.

I would just like to bring to your attention here that in our first term, the 36th Parliament, we had 800 hours of

consultation outside of Queen's Park; the Rae government, 650; and the Peterson government less than half, at 350.

He goes on to say that this government has cut \$1.6 billion from education funding. He also says that Bill 74 will see a further reduction in funding.

Minister, it's important to the people in my riding to know—

Interjections.

The Speaker (Hon Gary Carr): Will the member take his seat, please. We'll just wait. I will remind the members that the longer I have to stay here, the fewer questions will be asked by all of the members on all sides.

Member for Northumberland.

Mr Galt: In summary, the member for Parkdale-High Park is saying that this government has cut \$1.6 billion from education funding. He also says that Bill 74 will see a further reduction in funding.

Minister, it's pretty important to the constituents in my riding to know, is this an accurate claim from the member across the floor?

Mr Gerard Kennedy (Parkdale-High Park): She's afraid to debate me.

Hon Janet Ecker (Minister of Education): The member for Parkdale-High Park says we're afraid to debate him. It's too bad he didn't listen the last time I did debate him on these numbers.

Interjections.

The Speaker: Just so the members know, if I can't hear, I will simply stand up, the clock will wind down, and nobody on either side is going to get any questions. Quite frankly, it doesn't matter to me at all. Members have every opportunity, and all they need to do is behave and we can get as many questions on as possible. But if you yell and scream at each other, then we'll try this and we will see if standing here for the entire hour will make the members behave, because I cannot continue as long as you're screaming across and I can't hear the question or the answer.

Sorry for the interruption. The Minister of Education.

Hon Mrs Ecker: The member for Parkdale-High Park says that I refuse to debate him on the numbers in education. I could have sworn I saw him sitting across from me at the table at estimates when we actually had this discussion. He obviously doesn't remember. He obviously doesn't remember the briefing that we gave him. When we came into government, we were spending \$12.9 billion on education. We are now spending over \$13.5 billion. Even with the new math, that's an increase.

I think it's also important to know that those new dollars are going into the priority areas that many groups in my consultations and meetings I've had, and continue to have, said were important: more money for special needs, more money for smaller class sizes, more money for more teachers, more money for principals, more money for textbooks, more money for extra help for students who are having difficulty with the new curriculum. So there is more money, and more money in the class-

room for priorities that parents and teachers said needed—

The Speaker: The minister's time is up.

Mr Galt: Thank you, Minister, for that response. I'm certainly very proud that our government is enhancing key priority areas that I know make a big difference to the constituents in my riding. I really don't understand, with that answer, where the member for Parkdale-High Park is coming from. This press release also says that it proposes to dilute education and that Bill 74 will increase overall pupil-teacher ratios, and I just don't understand where he's coming from at all. Is this information reflecting any truth?

Hon Mrs Ecker: Again, I appreciate the opportunity to make sure the correct information is on the record here for the public. We know there have been many claims around this legislation, as there have been around every legislative change we've made in education, great claims from across the way that it's the end of civilization as we know it. We have certainly heard from parents and teachers that class size is very important to them. They see it as an important quality indicator. That's why two years ago we set the first standards for class size, and now what we propose to do in Bill 74 is to bring class size down yet again, both in the elementary and the secondary panel. We've already put out the money that will make that happen. It's also important to note that if a board is not meeting those class size standards, Bill 74 gives parents the opportunity to make a complaint about that so we can investigate, so we can make sure that the benefits of our educational quality reforms are passed down to the teachers and the students in our classroom.

WATER QUALITY

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of the Environment. You're telling us now, we understand now, that there has been a reduction in the frequency of inspections for water treatment plants in Ontario. We now know that. Now you're telling us that when those inspections are made, they are made on a priority basis.

Can you tell us why, then, after you learned about E coli in the water of Walkerton in 1998 and you learned about coliform in the water on two separate occasions between January and April of this year—if that doesn't make this water treatment plant a priority, I don't know what does. Tell us why, then, after you had that information inside your ministry, you did not inspect this plant.

Hon Dan Newman (Minister of the Environment): Every water treatment facility in this province is inspected approximately once every three years. It's done on a priority basis. Ministry staff have contacted those facilities. If a facility is not in compliance, a field order is issued which is very specific and outlines what measures need to be taken.

With respect to any particular facility, and the one in particular the member is talking about, there are investi-

gations underway. There is the coroner's inquest, there is the investigation from the Ministry of the Environment through the investigations and enforcement branch, there's the OPP investigation and there is the public inquiry. We all want answers. That's what the people of Walkerton want and that's what the people of Ontario want.

Mr McGuinty: Let's get this perfectly straight. We had these huge, bright-red flares that were sent up from the Walkerton water treatment plant: In 1998, they found E coli; you knew it. This year, in the year 2000, between January and April, they find coliform on at least two separate occasions; you knew it. Tell us again, why is it that that did not constitute a priority when it came to an inspection? If you don't inspect under those circumstances, then you're telling us, as far as we're concerned, that you attach no real priority to water safety in Ontario.

Hon Mr Newman: Again, the facilities are inspected approximately once every three years. They're done on a priority basis. That's how the inspections are carried out. If a facility is not in compliance, field orders are issued. Ministry staff ensure that those measures that are outlined in the field order are brought forward.

The member now is talking E coli, he's talking total coliform; he's jumbling many of the issues in this respect. The bottom line is that there are investigations underway. There's the coroner's inquest, there's the Ministry of the Environment's investigation through the investigations and enforcement branch, there's the OPP investigation and there's the public inquiry. We all want to get to the bottom of this and we want answers. That's what it's all about.

1430

CROWN ATTORNEYS

Mr R. Gary Stewart (Peterborough): My question is for the Attorney General. This government recently hired 59 new crown attorneys. My riding of Peterborough was included in the ridings that received new attorneys. How does this hiring of 59 new crown attorneys ensure that proper resources are being allocated to prosecute cases in the criminal court system?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): This government has been clear that its priorities are to create safer communities and to improve the criminal justice system through the vigorous prosecution of crime, preserving public order and safety and supporting victims of crime. We believe people have the right to be safe and feel safe in their own communities.

In the spring of 1998, the May-Iles inquiry released its recommendations. One of those important recommendations was to increase interview time of victims and witnesses for crown attorneys. The government recognized that recommendation and the finance minister allowed \$8 million per fiscal year in May of last year, in the budget of that year, for additional crown attorneys.

Fifty-nine new crown attorneys have been appointed across the province, including in Windsor, Timmins, Barrie and the member's riding of Peterborough. As a result of all that, crown counsel in the field are now provided with a full day of prescheduled time each week to interview victims and witnesses in the Ontario Court of Justice. The number of crown attorneys in Ontario is at its highest level in history at 630, representing an increase of nearly 78% from 1989. Strengthening the way the justice system works—

The Speaker (Hon Gary Carr): Order. The Attorney General's time is up.

Mr Stewart: I'm pleased that this government hired the 59 new crown attorneys to promote efficiency and effectiveness in the criminal justice system. But last April, the Criminal Justice Review Committee presented its recommendations for practical solutions to increase the efficiency of the criminal courts. What is the status of the implementation of the committee's recommendations?

Hon Mr Flaherty: Ensuring that Ontarians have an effective and efficient justice system is a priority for this government. That is why we're working hard to implement the recommendations of the Criminal Justice Review Committee. Local best practices identified and recommended by the committee have been incorporated into the day-to-day operations of the criminal law division. For example, we are now assigning two crown attorneys to busy bail courts. Recommendations related to specialized courts have been implemented through the expansion, the duplication, the doubling of domestic violence courts. We have referred recommendations for an enhanced use of technology to increase public safety, to obtain more comprehensive management information and to close information gaps in the criminal justice system to the court services division for implementation.

The goal of all of this is to make sure that the people of Ontario are safe and feel safe in their own communities.

WATER AND SEWER INFRASTRUCTURE

Ms Marilyn Churley (Broadview-Greenwood): To the Minister of the Environment: I'm going to come back to Bruce Mines because the Premier's answer was inadequate.

Bruce Mines is now under a "boil water" order that is expected to last up to one and a half years. This is a community that knew it had a problem, a community that let you, the Minister of the Environment, know it had a problem. It applied to your ministry for funding to fix the problem and your ministry turned them down. The Premier just admitted that your water and sewer money is completely disappearing next year, that you've down-loaded it completely.

Minister, are you going to take responsibility today for the "boil water" problem in Bruce Mines? Are you going to pay for the water that they now need for perhaps up to

a year and a half, and are you going to put the money in that they need to fix the system?

Hon Dan Newman (Minister of the Environment): I think the government's position has always been clear. Municipalities are, and have always been, responsible for the delivery of water and the sewage systems in their communities. The transfer of ownership that occurred will serve to clarify the role municipalities have to play as the service delivery agent. The province will focus on its role of setting and enforcing standards to ensure that drinking water is safe and that sewage disposal does not harm the environment.

With respect to Bruce Mines, I can tell you that officials from the Ontario Clean Water Agency phoned the ministry office in Sault Ste Marie on May 25 regarding this matter. There was a field order put in place on May 31. There was a precautionary "boil water" advisory placement. I should also note that sample results received on June 2 showed no coliform counts in that water.

Ms Churley: He still didn't answer my question. I asked the minister, and I'll ask him again, why when there is still money in the water protection fund that is supposed to be there to help municipalities in these emergency situations, and this community came forward and said, "We've got a problem with our water"—they took it seriously, they took responsibility, they asked for your assistance from the fund that was there—you turned them down? Why did you turn them down? Minister, I ask you again, what are you going to do to help the people in this community during this time when they're on a "boil water" order? Are you going to release funds immediately to help them pay for the water they're going to have to buy and are you going to release funds immediately to fix their system?

Hon Mr Newman: The Ontario provincial water protection fund is in place with \$200 million, originally to be over three years. We accelerated the money so that municipalities could have access to it over two years. Many municipalities applied for that program. The money is flowed in such a way that 85% of the money goes to those municipalities for those projects. There is about a 15% holdback until that work is completed, because we want to ensure that all the work is completed. But there is money, obviously, through the SuperBuild Corp for infrastructure in our province.

ONTARIO CLEAN WATER AGENCY

Mr James J. Bradley (St Catharines): I have a question for the Minister of the Environment. Minister, when your huge and damaging cuts to the Ministry of the Environment made communities across Ontario vulnerable to the kind of tragedy that unfortunately happened in Walkerton, where seven people died and 2,000 people are seriously ill, you were forced to turn to OCWA, the Ontario Clean Water Agency, a provincial government crown corporation, to rescue your government from the drinking water crisis in Walkerton. Because OCWA is a government agency, it's persona non grata with the

Premier and his advisers. Minister, why are you putting an agency that rescued you from total embarrassment in Walkerton on the auction block, trying to peddle it to the highest bidder in your effort to privatize anything and everything that provides a vital service to the people of Ontario?

Hon Dan Newman (Minister of the Environment): Yes, OCWA, the Ontario Clean Water Agency, is running the water treatment facilities in Walkerton; the town has called them in to do that. OCWA does that for many municipalities; I understand there are approximately 70 municipalities across the province of Ontario that have OCWA managing their water systems. They're there because they have the expertise, they're there because they have the know-how in ensuring there is the safe delivery of drinking water in this province.

Mr Bradley: That's no answer, of course. Minister, the Premier has blamed the NDP, he's blamed human error, he's blamed all the municipalities, he's blamed the town of Walkerton for not using provincial infrastructure money when we all know they did it; today he blamed his own staff. But let me tell you something about an agency that wouldn't do that. There's an agency that sets as its values: "being respectful of colleagues and clients; acting with integrity and fairness; delivering quality service to meet our clients' needs; collaborating through teamwork; and"—you'll like this—"accepting responsibility and being accountable for our actions."

OCWA states that its greatest strength is its unparalleled experience in the operation and maintenance of water and waste water facilities. OCWA's highly trained, fully certified staff provide reliable and cost-effective service and assume responsibility for the day-to-day operations of their clients' facilities.

Minister, will you now, in the interests of the safety of drinking water in Ontario, take the Ontario Clean Water Agency off the auction block and not turn it over to owners and operators whose prime preoccupation would be with making a profit?

Hon Mr Newman: The Ontario Clean Water Agency does a very good job at what it does, and that's providing management of water facilities in Ontario. As I indicated, there are some 70 municipalities throughout Ontario that use the services of the Ontario Clean Water Agency. Again, they were called in by the town to run the facility in Walkerton. They do a good job of ensuring that clean water is delivered to the people of Ontario.

1440

TECHNOLOGICAL TRAINING

Mr Gerry Martiniuk (Cambridge): My question is for the Minister of Training, Colleges and Universities. I understand that the 11th annual Ontario Technological Skills Competition took place recently in Kitchener. In fact, I was personally delighted to hear that one of my constituents, Laura McKay from Cambridge, earned the gold medal in the men's hairstyling competition. Min-

ister, what can you tell us about this year's competition and the government's commitment to training?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Thank you for the question, from my colleague from Kitchener.

Congratulations to Laura McKay for her gold medal in the 11th Ontario Technological Skills Competition. In this House we should all be celebrating the opportunities our young people have to get the technological training they need to be competitive in the global economy. We're very proud to be a co-sponsor of the Ontario Technological Skills Competition. This competition is organized and supported by volunteer organizations of employers and teachers, educators and trainers. They're there and dedicated to help young people develop these workplace skills.

It's our opportunity today, with this question, to say thank you to the teachers, to the volunteers, to the employers, to the people in the workplaces who help these young people achieve their dreams. There were more than 700 apprentices in 38 different categories ranging from industrial writing to precision machining to hair-styling. We're very proud of the 11 gold winners.

Mr Martiniuk: This event sounds like an excellent way to promote careers in the skilled trades among young Ontarians. I hope this event will grow and involve even more participants next year. I believe that focusing on skills is not only important for the individual lives of our young people, but it's also vital to Ontario's long-term economic health. We have all heard about the increasing demand for skilled labour in our province. As our economy continues to grow, this demand is surely to grow too. It is more important than ever that our young people have the skills and training necessary to keep up with technology and our competitors. Minister, what is the government doing to support a skilled workforce today and in the future?

Hon Mrs Cunningham: Mr Speaker, just to correct, I would like to thank the member from, in fact, Cambridge.

I would like to thank him for many reasons; first of all, his great support of young people and the work that is going on in the schools and colleges in his own riding.

I think everyone knows about the Ontario youth apprenticeship program. It is in 61 school boards, 466 secondary schools, with 2,700 students now; thanks to leadership with the Minister of Education, 3,500 next year.

This is unprecedented. I've been in this House for 12 years, and it's very important that young people understand the opportunities in apprenticeship training. It's very important that their parents are part of the decision-making, that we have this kind of exposure and that we make the changes we've been able to make over the last three years so that we have 3,500 young people in our secondary schools being introduced to and getting credit for apprenticeship programs. That is a great success story.

RURAL ONTARIO

Mr Pat Hoy (Chatham-Kent Essex): My question is to the Minister of Agriculture. The policies of Mike Harris have resulted in a systemic attack on rural Ontario. In the quest for less government, Mike Harris has down-loaded and abandoned the infrastructure and programs that help rural Ontario keep its water system safe. In the wake of this neglect, there are at least seven people dead.

In February I wrote to the Minister of the Environment and to you to say that rural Ontario should be able to count on safe, clean drinking water. That is your government's responsibility. I asked for an extension to the Ontario water protection fund that would give money to municipalities for safe water and sewage. Mr Newman told me: "All the money is allocated. Go find alternate and innovative funding sources."

Now here's an innovative solution: You must step in to help rural Ontario. In farm communities, people, water and animals have always coexisted safely until Mike Harris decided to get out of the water protection business.

Will you commit today to allocate direct funding to rural municipalities and farmers for safe water and sewage initiatives immediately?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I think it's very important that the government of Mike Harris and all of those members on this side of the House place a very high priority on the needs and requirements for rural Ontario. That's why a task force was sent out, the Task Force on Rural Economic Renewal, to see what the barriers were in rural Ontario. The task force came back and reported. From that report, the treasurer put in an infrastructure program, the OSTAR program, which is to deal with the needs of rural Ontario, and we will be setting up the framework for that. That program will be of great benefit not only to the farming community but to all people who live in rural Ontario.

Mr Hoy: There were people who didn't know about your rural task force until two days after you were in their village.

Minister, the downloading, the budget and the staffing cuts to both the MOE and OMAFRA have struck at the heart of rural Ontario. You have abandoned farmers and rural communities. You've talked about Healthy Futures but no money has been spent except on advertising.

A group of apple growers asked your ministry for assistance through Healthy Futures to buy pasteurization equipment to ensure the safest possible product to the marketplace. It would have been used by many growers. You are aware that the last disease outbreak occurred in an isolated incident when young children visiting a farm drank untested, unpasteurized apple juice. These responsible growers are trying to ensure a safe product. Could you explain to this House why Healthy Futures, a program that is supposed to safeguard and protect, refused to even consider this project?

Hon Mr Hardeman: Thank you very much again for the question. I do want to correct the member opposite.

In fact, the Healthy Futures program has allocated some \$3 million to projects to deal with food safety, rural water quality and the expansion of markets, which was the very reason the Healthy Futures program was put in place.

I just want to assure the member that if an application has been made on behalf of the apple growers, that application will be reviewed by the panel of experts who are reviewing those applications, and I'm sure they will be making a recommendation as to whether that project should be funded. If it is, as the member suggests, a program to deal with the quality of our food, I'm sure that it will receive a very thorough and appropriate review and get the type of support that's required to make sure that we have the safest food not only in the province but in all of this country and all of the world. I think our consumers deserve nothing less.

ONTARIO PRODUCE

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is also for the Minister of Agriculture. When consumers go into supermarkets today, they're given a multitude of choices when it comes to buying fresh fruit and vegetables. Certainly my riding of Haldimand-Norfolk-Brant provides a sizeable share of Ontario's apples, strawberries, blueberries, asparagus, cauliflower, sweet corn and potatoes, just to name a few of the fresh commodities our local farmers put on the table and provide to people in Ontario. Minister, what are we doing to support and promote Ontario-grown fruit and vegetables?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to thank the member for Haldimand-Norfolk-Brant for the question. It's important for all members to remember that for Ontario consumers of fresh produce, the Foodland Ontario logo is the only universal symbol that clearly and immediately identifies Ontario produce from imports. Foodland Ontario provides material such as in-store signage and advertising to assure the consumer of the quality product that's produced in Ontario.

Every year Foodland Ontario recognizes outstanding retailers at their retail award event. Their efforts in promoting Ontario quality products on behalf of our consumers are appreciated, and we show that appreciation in that manner. Thank you very much for the question.

1450

Mr Barrett: Farmers in my constituency have been relying on the Foodland Ontario program for a number of years to help market Ontario-grown fresh fruits and vegetables. Much of our area produce goes to the Ontario Food Terminal, and it's very important that government foster a robust business climate that supports the competitiveness of Ontario's producers in what has become a North American market. Could you please update us on how successful this important Foodland Ontario program is for Ontario producers?

Hon Mr Hardeman: The Foodland Ontario program has been a tremendous success over the last number of

years in marketing the produce in Ontario. In order to make sure that we are meeting those goals, we do calculations or surveys to see how successful it is, and in fact a recent survey found that 84% of Ontarians recognize the Foodland logo and 88% have indicated they're favourably disposed to buying Ontario produce as a result of the activities of the Foodland Ontario consumer advertising program. Consumers have come to equate the Foodland logo with freshness, taste, quality and trust for our producers.

MINISTER OF THE ENVIRONMENT

Ms Marilyn Churley (Broadview-Greenwood): I have a question for the Minister of the Environment. I watched you in a scrum outside after question period yesterday repeatedly say that Walkerton did not apply for funding to deal with their sewer and water system. Repeatedly you said that. As it turns out, you were wrong. All along, throughout this whole crisis, I have heard you and your Premier, day after day, make excuses, give out misinformation, place blame and not once take responsibility for your cuts and your downloading and your privatization.

Minister, yesterday I called for your resignation. In light of the seriousness of this situation and your failure to live up to the duties and responsibilities of the Minister of the Environment, I am asking you, in all seriousness now, will you step down today?

Hon Dan Newman (Minister of the Environment): The member opposite is very selective in her facts and in the way that she presents them to this House. She takes words and puts them together. Those are not words that I spoke yesterday. I clearly said that the town of Walkerton had never applied for any money from the provincial water protection fund. That's what I said. Again, the member is being very selective in her presentation here today.

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

"Therefore, we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

This petition adds the names of several more constituents to the thousands who have already signed this petition in expression of their concern.

EDUCATION LEGISLATION

Mr Peter Kormos (Niagara Centre): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

That is signed by Paul Gledhill of St Catharines, Bill Klassen of Fonthill and hundreds of other people in the Niagara region.

PENSION FUNDS

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the Ministry of Health announced a new model on January 25, 1996, for improving and coordinating long-term care services. The amalgamation of the home care and placement coordination services function

did shift to community care access centres (CCACs). The governing bodies of various pension plans, namely the Ontario Municipal Employees Retirement Savings (OMERS), Victorian Order of Nurses (VON), Family Services Association (FSA) and Hospital of Ontario Pension Plan (HOOPP) have failed to successfully negotiate agreements for a transfer of pension assets.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the pension adjustments are a transition item which the ministry has not yet addressed. We are requesting a one-time adjustment to enable the transfer of pension assets. This transfer is required to ensure that employees transferred from predecessor employers (namely health units and the Victorian Order of Nurses) to community care access centres as part of the mandatory government reform initiative for 'single access to long-term-care services' receive pension benefits equal to those which they formerly enjoyed. Provincially over 3,000 health care workers are affected. The individuals who transferred to the CCACs had no control over what would happen to their prior pension contributions. Unless a one-time adjustment is made to enable the transfer of reserves, the typical employee will lose about \$2,000 annually in pension benefits compared to the position they would have been in had they been allowed to remain in OMERS."

EDUCATION LEGISLATION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My petition is to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

I will sign my name to this petition.

CORRECTIONAL FACILITIES

Mr Peter Kormos (Niagara Centre): I've got a petition addressed to the Legislative Assembly of Ontario.

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult, strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayer of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspects of the province's correctional system."

That is signed by hundreds of residents from the Peterborough area.

EDUCATION LEGISLATION

Mr Bill Murdoch (Bruce-Grey): I have a petition that was given to me by some people in my riding. It reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public hearings on Bill 74 immediately."

1500

CORRECTIONAL FACILITIES

Mr Dave Levac (Brant): This is a petition to the Legislative Assembly of Ontario.

"Whereas the government of Ontario is actively pursuing private sector operators to run Ontario's correctional facilities, including adult, strict-discipline boot camps, three megajails and five young offender facilities;

"Whereas findings show there is no cost savings to the taxpayers of Ontario;

"Whereas public safety will be greatly jeopardized in our communities;

"Therefore, be it resolved that the government of Ontario abandon all plans to privatize any aspect of the province's correctional system."

Signed by over 500 people from Penetanguishene-Midland, and I so affix my signature to it.

EDUCATION LEGISLATION

Ms Shelley Martel (Nickel Belt): I have a petition that's signed by 165 secondary school teachers in Sudbury and area and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for all students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control of education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold full public hearings on Bill 74 immediately."

I agree with these teachers and I have affixed my signature to the petition.

LORD'S PRAYER

Mr Jerry J. Ouellette (Oshawa): As cabinet ministers are unable to present a petition, I am proud to present a petition on behalf of my minister, Tim Hudak, the member for Erie-Lincoln, which reads as follows:

"Whereas the Speaker of the Ontario Legislature has traditionally begun the daily business of the House by reading the Lord's Prayer to the members;

"Whereas in September 1999, the Ontario Court of Appeal ruled that the readings of the Lord's Prayer at the council meetings of Penetang, Ontario, violated the Charter of Rights and Freedoms;

"We, the undersigned, petition the Legislative Assembly of Ontario to:

"(1) Continue the parliamentary tradition of beginning the start of the daily business in the House with the reading of the Lord's Prayer by the Speaker; and

"(2) Vigorously defend the reading of the Lord's Prayer in the Ontario Legislature against any legal or constitutional challenge."

I'm proud to sign that because I support it as well.

EDUCATION LEGISLATION

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario's teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"Whereas we believe only one and a half days of public hearings is both a sham and a shame;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold full public hearings on Bill 74 immediately."

I affix my signature to this petition and present it to April Martin from Manitoulin Island, who will give it to the chair.

DURHAM COLLEGE

Mr John O'Toole (Durham): I have a petition here I am pleased to present on behalf of the Newcastle Ratepayers Association. It's signed by Murray Paterson and his wife, Marjorie, and by Dave and Pearl Rickard, as well as Frank Hoar, the secretary of the organization.

"To the Legislative Assembly of Ontario:

"Whereas we request the Legislative Assembly of Ontario to support Durham College in their bid for university status;

"We, the undersigned, petition the Legislative Assembly as follows:

"We feel for the economic well-being of Durham region a university is necessary and the strong support of the bid by Durham College to achieve this status is supported and expected in the immediate future."

I'm pleased to sign and support this.

EDUCATION LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): A petition to the Legislative Assembly of Ontario:

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to immediately hold public meetings on Bill 74."

I agree with this petition and urge the government to do the honourable thing and withdraw Bill 74. I have affixed my signature hereto in agreement.

Mr James J. Bradley (St Catharines): This is to the Legislative Assembly of Ontario.

"Whereas Bill 74 diminishes quality education for students in this province by ensuring teachers will be responsible for more students each day and will therefore have less time for each student;

"Whereas Bill 74 attacks the very heart of local democracy and accountability by creating a system of informers and absolute powers for the Minister of Education;

"Whereas Bill 74 cuts not only the heart out of education but also the spirit by making teachers perform voluntary activities on threat of termination;

"Whereas Bill 74 is an unprecedented attack on the collective bargaining rights of Ontario teachers; and

"Whereas Bill 74 turns over all control over education in this province to one person, the Minister of Education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government to hold public meetings on Bill 74 immediately."

I affix my signature as I'm in complete agreement with the sentiments of this petition.

KARLA HOMOLKA

Mr John O'Toole (Durham): It's my pleasure to present a petition today on behalf of the member for Scarborough Centre.

"To the Legislative Assembly of Ontario:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that truly reflect the seriousness of their crimes;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and
"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm pleased to sign and support this petition.

ORDERS OF THE DAY

BRIAN'S LAW (MENTAL HEALTH LEGISLATIVE REFORM), 2000

LOI BRIAN DE 2000 SUR LA RÉFORME LÉGISLATIVE CONCERNANT LA SANTÉ MENTALE

Resuming the debate adjourned on June 6, 2000 on the motion for second reading of Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 / Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé.

The Acting Speaker (Mr Michael A. Brown): We are at the "questions and comments" point of the speech from the member for Beaches-East York.

Ms Shelley Martel (Nickel Belt): I want to commend my colleague from Beaches-East York, who is our health care critic, for the comments she made yesterday with respect to this bill. I want to actually commend her and all of the members of the committee who have been trying to deal with what is a very difficult, controversial piece of legislation where you have supporters from both sides who are very keen to see something done or in fact something not done with respect to this legislation. They have had a difficult task before them, and will as they continue through their process, but I want to thank all of them for their commitment to it at this point.

1510

There are two things I want to focus on. First, the member talked through the course of the debate about the additional resources that are going to be needed in a number of areas if this bill is going to work. Those include additional police resources, because they have a change in their responsibilities under the act; probably additional resources for hospitals that have been affected by the commission's reports where there is downsizing, where we may well need more mental health care beds; a change in resources to the public guardian's office; and a huge change in resources in the community if you're going to actually be able to support the community treatment orders.

I say to the government, do you recognize the additional resources that are going to be needed if this bill is passed, and second, are you, as a government, committed to the financial resources to allow it to go into effect? I think those resources are going to be enormous. I haven't heard much from the government about their

commitment to the resources in these many areas that will be required if this bill is at all going to work. I think the government has got to very clearly outline its commitment with respect to the financing of all this to make it happen.

Second, there are a number of amendments that we will table and we will see if the government will accept before we would agree to support this bill. Those include changes with respect to the preamble, to the definition of mental illness, to the section involving the new responsibilities of justices of the peace, safeguards with respect to the establishment of the CTOs etc. I hope the government that has tried to take some time to deal with this will take some time to deal with the amendments properly too, so we do this right.

Mr John O'Toole (Durham): It's my pleasure to respond in the Bill 68 discussion. I suspect what I was listening to yesterday was trying to find that balance that respects the important issue of community safety as well as the issue of patients' rights. I think the bill has found at least a very, very tenuous balance between those two rights and entitlements.

On the community treatment orders, the most important thing that I see, without having a great deal of experience in the area, is the fact that the individual with the mental health concern will be able to stay in the community with the community supports. Minister Witmer yesterday, in her opening remarks, made a couple of statements that I believe are important with respect to the new format of delivery of mental health services in community treatment. I think it's very important, where possible, to deinstitutionalize people. That's certainly been the model in the last while.

Of course, Brian's Law, as we all know, comes from the inquest that was held as a result of Brian Smith's death, which recommended that these treatment orders be sort of mandatory. That's exactly what this bill is trying to do, to make sure that if a person has repeatedly experienced issues in the mental health area, has spent time in institutions, a community treatment order could be put in place that would require them to take their medication and treatment and therapy, as well as being allowed to spend time in the community.

I think there is a balance there that reflects both the needs of the citizens at large and those who have problems in the area of mental health. It's an important bill, it's a step forward, and I think that's exactly what—

The Acting Speaker: Questions and comments?

Mr John Gerretsen (Kingston and the Islands): I too would like to comment on a statement that was made earlier, and that deals with the resources that have to be there for the outpatients to have the necessary services and the necessary community support programs to assist them in that regard.

It always reminds me of the situation that occurred some 20 years ago when the government went through another phase of the deinstitutionalization of a lot of psychiatric patients in my community of Kingston. My parents' home is located quite close to the Kingston

Psychiatric Hospital. Over the years, I remember getting to know many of the patients who quite often used to wander through the village of Portsmouth, where I'm from.

Some years later, after the deinstitutionalization program had started, I happened to be out on a campaign—a mayoral campaign, as a matter of fact. I found that some of those same people that had had good care in the psychiatric hospital were housed in absolutely deplorable situations right in the downtown area of Kingston, sometimes three or four to a room, obviously lacking the care they required. I say to myself, and I said at that time, it may be that we're all in favour of deinstitutionalization and we want to reintegrate everybody back into society, but weren't some of these people a lot better off when they were in an institution, where they had three square meals a day and a roof over their heads?

What I'm saying is that this program or any other program in the mental health field simply will not succeed if the government is not prepared to put the necessary resources out there so that the community services are out there for the people who will be taken out of the institutions. That's what this argument is really all about, not the fact that this kind of program is necessary but will it be properly funded?

Mr Brad Clark (Stoney Creek): It's fair to state that all of the participants from all spectrums, all of the stakeholders, raised the issue of resources consistently throughout all of the consultations and, I think it would be fair to state, throughout the hearings in the committee itself. The government has come a long way. We've received accolades from many people in terms of reinvesting \$150 million into community mental health programs and \$52 million into atypical drugs, which is new as of 1999.

We are committed to developing a mental health system which is cohesive, which is integrated, which is truly a continuum of care from the psychiatric facilities to the community. That statement of a continuum of care is what we're trying to accomplish. That means a bridge from the psychiatric facility, from the institution, to the community. We can't do that without building the supports in the community.

I've gone on the record consistently stating that we can legislate; that's the easy part sometimes. The hard part is making sure that the resources are in the community. The hard part is implementing it correctly, making sure that our intentions in the legislation become a reality in fact, that we actually do, through action, what we wanted to do in the words in the legislation.

I'm confident that the government is committed to that. I know the minister is committed to that; I know I'm committed to that. At this point we have to recognize that there are two components. One is the legislation itself, Brian's Law. The next phase after we proclaim it into law is the implementation. I have argued we should delay proclamation until we have the actual implementation program in place, to make sure that we meet the needs in the community.

The Acting Speaker: In response, the member for Beaches-East York.

Ms Frances Lankin (Beaches-East York): I appreciate the comments of all members who have participated. Most particularly, let me say to the parliamentary assistant that his words do give comfort in terms of his commitment with respect to this issue and his understanding, not just of the complexity of the legislation but of the job ahead, the complexity of implementation and the need for resources. He has more faith in this government than I do with respect to actually providing that. It's important to see his continued leadership on that.

Your comments that this bill can't be implemented without the resources being there make me feel a bit more confident. In fact, it makes me go out on a limb and suggest that I'm betting you're going to accept my amendment which creates within the legislation a list of a basket of services that need to be available in all communities. The actual services can be set out in regulation, but the regulating power to do that needs to be put within the legislation and we'll have an amendment on that. I think it'll be a test of whether or not there is a commitment.

The second thing that will be an important test is whether or not the government accepts the amendment to create the office of the mental health advocate, because the need for the systemic review, the need for the ongoing reports, the need to ensure that integration and the continuum of care is actually working and that these legislative amendments that we are contemplating are being implemented and matching the intent of the government to the target population that the government intends will be important for us all as legislators to follow and we need that systemic review to be done.

So I'm hopeful, by the parliamentary assistant's comments, that those areas will see support from the committee when it comes to amendments.

1520

The Acting Speaker: Further debate?

Mr Garry J. Guzzo (Ottawa West-Nepean): I welcome the opportunity to make a few comments with regard to Bill 68. I had originally intended to speak entirely, if I might, with regard to the individual whose name we honour in this act, An Act, in memory of Brian Smith, to amend the Mental Health Act.

Before I deal with that aspect of it, I would be remiss if I didn't make a comment I would like to, because I had an opportunity to be in the House when the member for Beaches-East York made her comments yesterday. I commend her for her insight into not so much what we're doing here in terms of legislation but the effect on the people with whom we deal in this piece of legislation. In that regard, and in a non-partisan way, I also note the member for Ottawa Centre. I think back to before I came to this House, his comments in the Ottawa area and the work with regard to this issue that the member for Ottawa Centre had put into attempting to make changes to the Mental Health Act, and I commend him for it.

I hate to be legalistic about things like this, but so many times in my lifetime when I have seen legislation that looked so perfect and so important—I think back to the day, and I commented the other night in the House here with regard to the Young Offenders Act and the giant step forward that that act represented in terms of dealing with problems of youth in our country and in particular this province and the improvement that act was on the old Juvenile Delinquents Act. I sit and criticize that act today, as do a number of others, and look for massive changes, but we weren't wrong in 1982—it was a gigantic step forward. And this is a gigantic step forward today.

I don't know if anybody has thought too long with regard to the implementation factors here. In particular, I'd like to refer to an opinion page item that appeared on April 28 in the *Globe and Mail*. It was written by Peter McKnight, a Toronto lawyer and ethicist who was formerly the acting chair of the advisory board of the former Queen Street Mental Health Centre, now part of the Centre for Addiction and Mental Health. He brought forward some contrary views and some important issues that are going to have to be addressed and that will cause tremendous concerns and hurdles to be overcome in the implementation of this act.

I don't want anybody to misinterpret what I'm saying. It doesn't in any way detract from my commitment to what we are doing here, but I think when one has heard the comments of the member for Beaches-East York yesterday, her understanding and her appreciation of the effect that this legislation is going to have on the streets of our cities—I haven't heard an appreciation of that aspect other than from our own member here, the member for Haldimand-Norfolk-Brant, who has had tremendous professional experience in the social welfare field in dealing with individuals this piece of legislation will directly affect.

I commend that article to you. I think Mr McKnight, whom I don't know and had not heard of until I read this article, has a very clear appreciation of the difficulties that are to be faced in implementation of what we do here this week.

As I said at the beginning, I'd like to make a few comments with regard to the individual, Brian Smith, whose name is honoured in this legislation. As we've heard said here, Brian Smith was a well-known Ottawa sportscaster, a former professional hockey player who played in the National Hockey League, more famous probably for his stint in the American Hockey League where he played for Eddie Shore with the Springfield team—in servitude, I might add—and later played professional hockey in Europe before he became a sportscaster with station CJOH in Ottawa.

Mr Smith, as has been noted, was assassinated as he left the studio. I think it was August 1, 1995. The coroner's inquest that took place was most revealing and has led to much of what we do here with this piece of legislation.

I had the pleasure of knowing Brian. As a matter of fact, I knew Brian for I think about 47 of his 55 years. I met him on my first day of school as a five-and-a-half-year-old going to Corpus Christi school in the Glebe area. On the very first day we were dropped off, as was the norm then—no introduction, just day one and your parents left you there to fend for yourself. Brian was a year ahead of me, and the first lunch hour he was organizing the schoolyard. In those days the separate school system provided no kindergarten, simply from grade 1 to grade 9. Brian's major concern was to have sufficient area for the smaller kids to have a play area and he was organizing that when we came out for lunch the very first day.

It was from that day on that we remained not the closest of friends but very good friends in our educational pursuits, from Corpus Christi to the high school section of St Patrick's College. We attended the same church. We played baseball and hockey in the same city teams. We played football together at St Patrick's. And each and every time I seemed to turn around in life, I was coming into contact with Brian. For the next 48 years our lives interconnected in a number of ways. As well as the city leagues that organized us by way of where we lived, we ended up on Father Ferraro's famous baseball team at St Anthony's. We even played together on a team in Quebec, which was an interesting story in itself, over in Wrightville.

We joined the same golf club. We played at the same golf club when we were in high school, the Chaudière Club, just down the road from another establishment that we frequented as lovers of equestrianism. We ended up at the Ottawa Hunt Club together as members for a number of years, and we even played golf at the same golf club in Florida during the winter months.

What I have to tell you, and what I would like to make part of the record, is the real lesson of what Brian Smith was and what he stood for. He was described by his former teammate, the present coach of the Ottawa 67's, both at Springfield under Eddie Shore and later in the National Hockey League, as the most honest hockey player he had ever watched. It's an interesting comment in terms of a professional carrying out his duties in a hockey forum, but that was an excellent word that Mr Kilrea used to describe Brian. He finished every check, he played two ways, he went up and down the wing and he did everything that he was supposed to do, by the book, never dodging it for a second. And that's the way he lived life. He was a tremendous individual.

I think back to my years practising law and on the bench, and it was not always a pleasant thing. It was an unfortunate thing to get a call from Brian when he was playing hockey over in Europe, or back home for the summer, when he was playing in the National Hockey League, because he didn't call for social reasons. He called when people were in trouble. When a former teammate or a former classmate had difficulties, it was Brian who picked up the phone, called, indicated the problem that he had heard, what was required and who should be

contacted: "I'll phone this group and I'll get them to send the cheques to you. We'll use your trust account and we'll put a package of cash together and help the guy over the hump." So it wasn't necessarily good news, but it was always a positive venture when Brian would contact us.

1530

Brian became a sportscaster in Ottawa. He went out of his way to use that position to help the youth of Ottawa and so many different charitable organizations.

He was the first person out of the studio after the local news at 7:02 on August 1, 1995, and that's why he received the bullet. The individual in question had no reason to choose Brian, the sportscaster at the station, over the news reader or anybody else. As a matter of fact, there was evidence at the coroner's inquest to indicate that one of the female reporters was in fact the individual who had triggered him to go to that station as opposed to one of the other stations.

Brian wasn't the first out very many nights. He would sit around and socialize with the individuals with whom he worked, but that particular night there was a charity tournament in the east end of the region. Brian had helped plug that tournament to make it a success and he was on his way to make the awards presentation. That's why he was out.

Thursday night in Ottawa: One of the organizational things that Brian had set his sights on was a fight night that raises money for the youth in the southwestern part of the city. Alderman Jim Bickford, a former deputy police chief, set up the organization that holds that fight night, and Brian was one of the individuals who went out of this way to make the first few a success. Of course, now, like so many of those things, it simply has to be called to be a success. People flock to it, but that wasn't the case when we were having the first organizational meetings. Many of the people who will gather at fight night on Thursday will recall the efforts of Brian in putting this particular charity on the map.

As I thought back over the times that our lives had intertwined, I had a number of incidences and situations that I wanted to deal with. I made a few phone calls to individuals I hadn't spoken to in some time but who had been teammates and classmates back when we were going to school and I wound up with a number of so many interesting situations that I don't know where to start. But I wanted to tell about one particular incident after we had finished with Father Jerome Ferraro's ball team.

In those days in Ottawa, St Anthony's church was a hub of all good athletic activity and Father Ferraro was more than just the parish priest. He managed the team. He drove the bus on the tour when we went out of town to play a game.

During the last election campaign, I guess we were all asked that famous question, "Did you ever smoke pot?"

Mr James J. Bradley (St Catharines): No, never, not even a cigarette.

Mr Guzzo: No. Well, I'll tell you, I had to say it. I had to say that, and the reporter who was asking the

question looked at me in disbelief, "You've never had a cigarette?" I used to wear the odd cigar and so did Brian, fight fire with fire at the poker table or something, but never a cigarette, and when I was talking to an individual last night he said, "I read that at the time and I thought to myself, 'Who else do I know who would say that?'" and of course he mentioned Smitty. Brian would have never touched a cigarette. It's not that we were perfect. Maybe steal a little mass wine from Father Ferraro or something like that but never a cigarette, never tobacco, nothing.

After we moved to play in Quebec one year as 15-year-olds, we were playing in a place called Wrightville—which doesn't exist anymore, it's part of Hull—but Wrightville had a lighted ball diamond, something Ottawa did not have in 1956. Indeed, there was one diamond in Wrightville, north of Hull, and there was another one 40 miles south in Russell, Ontario, but in between, nothing—a sad commentary.

We played with a club that had three anglais and the rest were all French Canadian kids and most of the French Canadian kids didn't speak much English. The next year when we went back to play, there were only two anglais, Brian and myself. The coach had decided that in order to pick a captain he wouldn't have any nominations. We'd just put all the names in a hat and we could vote for any player on the team.

Now, you probably think I'm going to tell you about a budding political career that was recognized by my teammates, but one of the anglais became the captain of that team, unable to speak a word of French, and that was Smitty. The type of recognition and the type of respect that he commanded—it was nothing that he said, only how he behaved, in that honest and decent manner in which he did everything that he came in contact with in life.

I have to think back to those days in the ball fields in Ottawa. The 1950s were interesting times. You people recall that a few months ago the Attorney General for this government stood in this House and apologized to the youngsters of the reform schools. Four or five years after a settlement had been reached in the lawsuit, the government of Ontario made its apology. But it was 45 or 50 years since the incidents had taken place. As youngsters growing up there, we had experienced on a first-hand basis youngsters coming back from the training school at Alfred, bruised from their hip to their ear, welts the size of footballs, telling the stories of the sexual abuse that had been bestowed upon them by the operators of those schools. We know where they went with their stories. We know the newspaper people who watched us play and heard those stories. We know the people in authority who heard those stories in the 1950s. And 50 years later, we end up with the apology.

The last time I spent with Brian was in Plantation, Florida, at the golf club where we played the odd time in the winter months when a member of this House could get away. I didn't get away very much the first two years, I've got to tell you. We were approached by a retired police officer from the Fort Lauderdale force. He knew

we were Canadians. He told us the story of a situation that had intrigued us—a story of a pedophile group in Cornwall that had made use of motels in Florida with youngsters some 35 and 30 years before. Smitty was getting very, very involved. He was talking to individuals and becoming very, very active in that particular situation when he was struck down by that assassin's bullet. It was something that, had he gotten his teeth into it, we would have had more success in having brought to the fore.

When it does come forward, and it will—things like that and like the training school situation cannot be buried forever. The truth will come out, as Project Truth gets set for the fourth time to leave the city of Cornwall. The first time it left was in 1994. At a Christmas Eve press conference they announced that there were no charges and no evidence. After the people of Cornwall put money together and did their own investigation, and Smitty put some money into that pot to help that investigation, we had Project Truth result in 114 new charges, 108 of which took place before the press conference on Christmas Eve 1994. When he went to his grave, he was becoming consumed with that particular situation and the similarity of that situation to the training school debacle that has haunted this province, and in particular my own community.

We have chosen an individual to honour with this bill who was more than a sportscaster and more than a hockey player. He was a tremendous citizen, and he was a hell of a friend. I thank the minister responsible for choosing this, and I say to Brian's mother and his two brothers and his widow that his life has contributed in so many ways to so many people, and it will continue to contribute as a result of this legislation, for which I thank you.

1540

The Acting Speaker: Questions and comments?

Mrs Lyn McLeod (Thunder Bay-Atikokan): I appreciate the fact that, notwithstanding the member for Ottawa West-Nepean's personal knowledge of Brian Smith and his obvious grief at the loss of Brian Smith, he also recognized at the beginning of his comments that there are considerable concerns about this legislation and how it might indeed be implemented.

I thought the member might be interested in the conclusion of the testimony that was given to the committee by Alana Kainz, who is the widow of Brian Smith. She said:

"This could easily be called Jeffrey Arenburg's law. Jeffrey was a victim of a mental health law that failed him, too, when he shot Brian.

"There has been a small amount of opposition to naming this legislation after Brian. A handful are afraid that it sends a message that all people who are mentally ill are murderers.

"First of all, Brian was not murdered. I have come to terms with that. There were two victims here.

"Naming the law after one of the many victims puts a human face on the legislation and reminds us of its purpose.

"This is not about reacting to a serious event. It's about preventing one.

"This is not about the many people with borderline, very manageable illnesses. This is about the most seriously ill and the severe consequences of them being left untreated for a period of time."

I would add to that the testimony from David Goldbloom and Robert Zipursky, who are physicians-in-chief dealing with the seriously mentally ill. They said:

"It may also be argued that CTOs meet the government's political needs without requiring government to commit resources for the enhancement of community services. The issue of CTOs has resurfaced in the context of increased public concern which has resulted from a small number of horrific crimes which have been perpetrated by severely mentally ill individuals in our community and the increased visibility of the homeless mentally ill in our midst. It is understandable that the public might be inclined to believe that these alarming problems would disappear if only we could force the severely mentally ill to stay on their medications. CTOs are not a panacea for these complex problems. They will not eliminate violence in our society.... They will not eliminate homelessness or even non-compliance amongst the mentally ill.... CTOs have the potential ... to help a small number of severely ill patients to live in the community with a level of health that would not otherwise be possible for them."

Ms Martel: I want to commend the member for Ottawa West-Nepean for his comments today to allow members of the assembly who did not know Brian Smith to know him in a way that we never could have from the media reports that were available at the time this terrible tragedy occurred. So I want to commend him for the very fine tribute he made today on behalf of this individual, and I'm sure his wife and mother and brothers and other family members and friends will be very proud and pleased that the comments were made and are on record.

But this bill is not only about Brian Smith; it's about the very tragic individual who killed him. As the member who just spoke talked about, it's about other victims of mental illness. It's about Lee Segarra from my community who at 23 died of exposure only a few feet away from his home. He was a manic-depressive. It's about all of the family and friends of all of these people who have suffered.

That's why, if we're going to do this right, if we're going to have a bill that pays tribute to all of them, to those who have suffered from mental illness and need treatment and to those families who have been at the receiving end when violent acts have taken place because people haven't received the treatment they needed, if we're going to do all of that, then we've got to do it right.

I would argue that to this point the government has taken the time through the committee process to try and hear from many representatives from both sides of the spectrum, to hear about their concerns, about their needs, about the amendments that have to be put. We find ourselves in a position where it is clear that there will be

amendments from all three parties. I hope the government will take the time to deal with the amendments properly in a timely way, in a way where they can all be addressed, because if we go into committee and there is closure, then we won't have done anyone any justice. I hope the government will continue so that we can have the tribute to all of these folks we've been talking about through this process.

Mr Bradley: I think it's most appropriate that the member for Ottawa West-Nepean spoke on this, being a very close friend of Brian.

Brian Smith, as I think people who follow sports would know, and particularly people in the Ottawa area would know, was an individual very much beloved in the community. Because a person has a high profile and there are a lot of people who are fans and friends of that individual, that individual sometimes becomes a target of someone else who is suffering from a psychiatric illness.

The story was moving, the way the member for Ottawa West-Nepean provided it. It's very personal. That's what happens with bills of this kind. Very often, when we deal with legislation, we're dealing with it in the abstract, without the kind of human, concrete examples of how legislation might affect or deal with a problem that exists in our society. When it's somebody we know, it's much more meaningful.

There isn't anybody in this House who doesn't know of a family that is confronted with the anguish of an individual with psychiatric problems, perhaps more than one person in a family with psychiatric problems. Indeed, if we walk down the streets of Toronto we see a number of individuals, not everyone who is in those circumstances but a number of individuals, who are confronted with psychiatric problems that are not being dealt with as they should be, and they're not receiving the assistance and help they should.

At my constituency office I have received calls from people, the family of these individuals, who are absolutely beside themselves over what is happening to that individual and making dire predictions that the individual will either do harm to herself or himself or to someone else. Hopefully the provisions of this bill will assist in reducing that risk in our society.

The Acting Speaker: Response, the member for Ottawa West-Nepean.

Mr Guzzo: I thank the members from St Catharines, Thunder Bay and Nickel Belt for their comments. I'd like also to underline what the member from Thunder Bay was suggesting, and the evidence before the committee of Brian's widow, Alana Kainz. I'm sure the committee and I think the House had to be impressed with the understanding and the appreciation of the complete set of circumstances around this legislation that was expressed and felt by Brian's widow, and not just his widow; his mother and his entire extended family have been most understanding and most appreciative of the community response at the time, but more important, of the vastness and the nature of the problem.

The member from St Catharines is correct. This disease does not play favourites. There is no family in Ontario that is free of the anguish he described, and there are the circumstances of all our constituency offices, particularly if you happen to represent a riding in a major city close to the downtown core. We've experienced it on a first-hand basis and his comments are very timely and accurate, and I thank him for the input.

The Acting Speaker: Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise to support Bill 68 and in doing so to commend the members of the Legislature, particularly the parliamentary assistant, Mr Clark, and my colleagues Mr Patten and Ms Lankin for the very productive work they have done to bring us all to this point. I said in a response, I think it was last night, that I'm probably the only one left now who was on the committee back in 1978 when we did the last major renovation of the Mental Health Act.

I well remember those debates. I was saying to Ms Martel today that if my memory serves me correctly, Bill 68 is in some ways a vindication of her father, because my memory of the debate on Bill 19 in 1978, where there was a very sharp difference of opinion among members—I think I've got it right—is that Ms Martel's father and Ms Gigantes, two members of the NDP, were on different sides of that. They reflected a division that was in the Legislature and certainly in the community.

I congratulate the committee, I congratulate the government for Bill 68, because I think it is a proper re-balancing of individual and community interests and rights.

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We've been treated to marvellous contributions in this debate. Judge Guzzo, who has just resumed his seat, Ms Lankin and my colleague Mr Patten are three speakers whom I have heard make all or most of their presentations. The process that has brought us to this debate, and this debate, is a good example, I say to the House collectively, of how this place can work well.

A lot of what I would want to say has been said. I'm not going to stand here and repeat this. I can tell you that I've had several of my constituents call me or write me to tell me that they want this bill supported. I'm proud to stand here today and, on their behalf, do so.

My friend Bradley just a moment ago observed very rightly that none of us, no family, no community, no profession, no group, is free from the challenge of mental illness. We have made some very considerable strides over the decades as a community in recognizing and dealing with mental illness. I'm not so sure we're all the way there yet.

I know I've had my own experiences in my family with coping with this particular challenge. Any of us who have had family members or others stricken—that's probably politically incorrect, but I guess it's probably not a bad verb—I know that in my own experience in the last few years I've had some involvement with the chal-

lenges of mental illness. It is among the most intractable of challenges. I'm a different person today than I was 22 years ago because of my own personal experience.

I don't think we want to make law on the basis of individual experiences. But as Judge Guzzo rightly observed, if you understand what Brian Smith's family endured, it is, in a sense, your worst nightmare: an individual who was deeply troubled and who was presenting for years with very serious issues related to mental illness, and finally, on that awful day in 1995, an innocent person is struck down and killed. I remember the day that happened. I think I speak for everyone, certainly in Ottawa and eastern Ontario—and I didn't know Brian Smith as well as my friend Mr Guzzo did—but you just heard the story and it was your worst nightmare.

I'm pleased that, because of the collaborative work that members of this Legislature and people in the previous Legislature have done, we are at this point today. I want to join those who have said that getting the legislative framework right, however important, is only part, albeit a significant part, of the overall issue and challenge. I say this as someone who represents rural eastern Ontario.

I spent some time, not very long ago, in our courts. I was absolutely astonished—I say to my friend from Wellington, not as an accused, but as a witness; actually not even as a witness, just as a bystander—

Mr Marcel Beaubien (Lambton-Kent-Middlesex): As long as it's not as an accused.

Mr Conway: I don't want to trivialize this. On that day, one of the most disturbing issues that I—and the court—was faced with was a young person—I think about 15 years of age—who was presenting with some serious problems and had already had an encounter with the law. Everybody, including the family, wanted something done. The judge that day said that she could not complete the sentencing process or go to the next step without getting a full psychiatric examination. This was back in February—and I'm glad the Attorney General is here.

On that day in February, this past winter, the court was told that this young person and his family were not going to be able to access a psychiatric examination for at least five or six months. I checked the other day; it hadn't changed. I'm sorry, but that's simply not good enough. I don't mean to blame the current government, because it has been a problem for as long as I've been around here.

I think part of the problem, and let me be brutally frank, is that mental health does not have the political sex appeal that other aspects of the health area have. I think we all know that. I don't have an easy solution to that. But in the overall scheme of things, when we're allocating resources in the health field, my sense is that we have not been willing, I say to all of my colleagues, including myself, we've not been as forthcoming in relative terms in supporting mental health requests as I think mental health requests demand.

I can't get the image of that youngster out of my head. Here is someone who obviously needs and wants help, is

already in court—and the issue that brought him there was not a trivial one, let me tell you. We have a judge saying she can't proceed until she has the benefit of a full psychiatric examination, and she's told to wait for five or six months. That's just one example. There are many others.

My colleague from Kingston was talking a moment ago about his experiences in Portsmouth, in that part of Kingston, as a result of deinstitutionalization. I was there the day, 20-some years ago, when we shut down the Lakeview Psychiatric Hospital and the promises were made, "We're going to close these big early 20th-century facilities, and we're going to do it better."

We have made some important steps forward, but I'm going to tell you that I hear from people living in places like Kingston, Brockville and the west end of Toronto that the resources are still not adequate to the need. I read a devastating report not too many months ago from a judge here in Toronto who was basically saying that far too many people faced with mental illness were effectively ending up in jail because there was no other place in the community for their placement. I haven't got the report with me, but I'm not making that up.

I simply want to say that as someone who strongly supports Bill 68 and very much appreciates the rebalancing that the act establishes in individual and community interests—and Judge Guzzo is right to point out there are people who don't agree with this rebalancing. I accept that. I happen not to agree with them. But having done this, I support members on all sides of the House who have said that this will be much less than it could be if we do not ensure there are adequate and meaningful resources in the community and in the institutional sectors of the health and social service delivery system, and not just in urban Ontario, not just in Ottawa, Kingston and Brockville but in places like Pembroke, Renfrew, Deep River, Petawawa, Beachburg, Ross township and Calabogie, because mental illness is not something that is confined to just one part of the domain.

With those words, I'm pleased to resume my seat.

The Acting Speaker: Are you sharing the time with the member from Kingston and the Islands?

Mr Conway: Yes. I'm sorry; I should have said that I'm sharing the time with my esteemed colleague the former mayor of Kingston.

Mr Gerretsen: I would just like to start off by continuing the argument my friend from Renfrew has advanced here today. I think anyone who is involved with the criminal justice system, with the court system, will tell you that the number of people who are going through our court system now—and particularly the numbers that are being convicted and the state of the apparent mental health of those individuals. There is an extremely large number of people in our jails now, whether it's provincial or federal jails, who, yes, have committed dastardly crimes, there's no question about it, but they also have some very serious mental health problems. Anyone who is involved in the penal system will tell you that situation is getting worse and worse, and

it's going to get even worse unless we put the necessary resources that are so much needed into that area of our health care system. There's no question about it. Take a look at our last budget; take a look at the last estimates, the amount of money that we as a province spend on mental health problems, on mental health care in general, and compare that to the physical health care budget that we have, and there's absolutely no comparison. It is minuscule, and it hasn't improved at all. I know governments and parties have talked about this for at least the last 10 to 15 years, and effectively there has been no change. The amount of money, the amount of resources that we're putting into mental health problems of the people of this province, is still much less than adequate, and it's still a very, very small amount compared to what's needed in that area.

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So when we hear, as the result of the large number of health care restructuring orders that have been passed by this government, of more and more of our psychiatric hospitals or psychiatric beds being closed across the province, we all know what's going to happen: A lot of these people are going to be out on the street without the necessary resources.

As I indicated before, I can well remember a number of individuals who used to live in the Kingston Psychiatric Hospital, and for many of these people, that place had become their home. They had lived there for 10, 15, 20 years. Yes, you and I can agree that it shouldn't have been that way, but it was their home. These people were chucked out of the hospital under the guise of, "We're going to reintegrate you into society," and they ended up in absolutely deplorable conditions, sometimes living three or four to a room, without any aftercare whatsoever, without any kind of community care, without any health care whatsoever. I as a layperson—and this happened some 15 to 20 years ago, and it hasn't changed at all—said to myself, "Weren't these people a heck of a lot better off in psychiatric hospitals, where at least they had three square meals a day and a roof over their head, than in the condition that a lot of people are finding themselves in now?"

The main concern we have is, if this law passes, will there be sufficient government resources put into it to actually make the community treatment agreements work? That's the issue. There are all sorts of organizations on both sides of the issue. We're talking about the different mental health associations and we have the Ontario Friends of Schizophrenics on the other side. There are many, many interest groups out there. They all agree on one thing: There aren't sufficient amounts of resources put into these mental health care problems.

I would therefore suggest that since we are treading on new ground—and let me say, we're treading on new ground in two different ways. First of all, I must compliment the House leaders who came up with the notion of having this bill go to committee after first reading. I know this may not mean a lot to the people out there, but you and I know that when a bill goes to a committee after

first reading without each political party having taken a definite position on that bill, it allows for much greater latitude and flexibility in the positions that the parties take on the bill, the positions that the critics take on the bill and the number of amendments that may be acceptable to all sides in the House than if it's done after second reading. I think the people of Ontario must understand that when a bill goes to a legislative committee after second reading, it usually happens after all parties in the House have spoken on the bill for two or three days, have taken definite, firm positions, and it's only at that point in time that we consult the general public out there and have public meetings. I know, as a former municipal politician and from talking to members on all sides of the House here about that process, members on all sides of the House who have been involved in either a school board or as municipal politicians, that we find it a very strange phenomenon that you ask for public input on a bill basically after every party has staked out their position on the bill. If you did that at the local level—for example, with planning matters and other issues like that—you would probably be hauled into court. Yet here it's an accepted thing.

So I say to all parties here, and particularly the government: Do this with many more bills. Send it to committee after a bill has been given first reading, before each party has taken a definite position on the pros and cons of the bill. Let the public hearings take place. Hopefully some meaningful amendments will come out of that process, and you'll end up with a much better piece of legislation. I am convinced of that position and I think this bill has been a very good attempt at that.

One of the things I would like to see—and there was some discussion about this issue between the House leaders or between the critics on this particular bill a little while ago, so I understand—is that perhaps there ought to be a clause in here that, since we are treading on new ground, the new bill and the effects it will have on the people who are involved with this bill be reviewed after three years to see what effects this new legislation has had on people who will be subject to the community treatment agreements.

I think it's almost imperative that we do that because, from the information we've received—and we've all received information from all sorts of different organizations on either side of the issue, which seem to be making valid points, by the way—a lot of the people who don't like community treatment orders seem to suggest that jurisdictions that have followed this kind of legislation really haven't worked out all that well in the long run. If an automatic review is going to take place in two or three years as to how this bill has actually affected the lives of Ontarians on an ongoing basis, let's do that; let's write that in. I would strongly suggest that we do that.

The final comment I want to make is that we talked about the resources for mental health care in general not being adequate within the health care budget, but the same thing applies to the specifics of this particular piece of legislation. It is absolutely imperative that if we want

this legislation to work, not only for the protection of the general society but also for the protection of the individuals themselves who are subject to these orders, and their families—over the last two or three years I've had many discussions with organizations, and individuals who are involved with organizations, such as Friends of Schizophrenics, and you hear some horrendous stories of agony and despair that families go through from time to time when one of their loved ones, who should be receiving treatment, isn't receiving treatment for whatever reason. It may be that they unilaterally decided to stop taking their medication or whatever. Let's make sure that what we're doing here is for the benefit of all Ontarians. In order to have that happen, it's absolutely necessary that not only this government, but governments in the future as well, make the resources available.

When we talk about community treatment orders and agreements, we want to make sure that the community health care services, facilities and individuals are available for these people. If we're not doing that, then I would suggest that we're not doing these individuals any favour and we're certainly not doing the rest of society any favours.

The Acting Speaker: Questions and comments?

Ms Martel: Let me follow up on the comments made by the members from Renfrew and Kingston, but by the member from Renfrew in particular. This had to do with the concern about whether the health care professionals are going to be in place to actually make this legislation work. He referred to a situation wherein a young man who desperately needed psychiatric assessment wasn't going to be able to receive that for five to six months.

My concern with this bill is that we go out and we offer false hope to people who think that because we're going to have changes, we're going to improve the situation for those who are suffering from mental illness.

I look at my own community with respect to mental health care services and provide the following: In the districts of Algoma, Manitoulin and Sudbury we are designated for 20 psychiatrists. Right now we have 11. We have a need for nine. We are barely able to meet the needs of all those people across those communities. We are at a point where we have one psychiatrist to look after a population of 20,000; that includes adults and children.

We know that with this bill, particularly with the change around involuntary admissions, we are going to see, maybe only in the initial short term, an increased need for psychiatrists. We don't have them in our community now. What hope do we offer to families who are trying to look for support for their loved ones who have mental illness? What hope do we offer to those suffering from mental illness if we pass a piece of legislation when we are dealing with that kind of shortage for psychiatrists? The shortage of family doctors is even worse in our community, and we know that family doctors' roles and responsibilities increase with this legislation too. This issue of resources, financial and human, is really serious, and we have to come to grips with it before this bill is passed.

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Mr Alvin Curling (Scarborough-Rouge River): I just want to commend my colleagues from Renfrew-Nipissing-Pembroke and from Kingston and the Islands, who have made some excellent points. This is an extremely important piece of legislation. As a matter of fact, it was the decision of the previous government to deinstitutionalize many of those individuals who today are on the streets, who have problems with mental health, who have no homes, their decision that maybe we can control it just by medication, that these people should not be institutionalized because they only have to take medication. Today, what we're seeing is a tremendous number of those people staying on the streets, who have no homes and have not taken their medication. We have compounded the issue beyond any sort of control today because the police don't know how to manage those individuals out there, and many have come down on the—maybe by death by some police officers who were not properly trained, and hospitals who feel they could use the bed for better purposes.

As my colleague stated, very much so, while we may put legislation in place, that's not sufficient, as a matter of fact far from sufficient. We feel that laws alone can do things, but we must have the resources to back up those deeds and intentions. This government is really lacking in that regard, making a lot of laws but having no resources put in place. If there is any legislation that needs that kind of support because of what has happened in the past, it is this legislation. I count numbers of people as I walk along—you don't have to walk too far from this place. You go outside and you see many of those individuals stricken with this terrible disease of mental illness.

I want to say that the comments made by my colleagues should be followed through on, and I hope that when we have the hearings, people have those comments to make.

Mr Frank Mazzilli (London-Fanshawe): The other evening I was in the House when the member from Ottawa spoke to this, and I was in the House when the member from Timmins spoke passionately about the changes to the Mental Health Act.

This is a very difficult issue, one where we try to work to help people who essentially have no insight into their illness, people who, for one reason or another, have been helped in the past, have been allowed to live in the community and for the most part have lived in the community successfully. They go on with their daily lives, and in some cases very productive daily lives, but because of some mental health problems and mental illness, through no fault of their own, become either violent or a danger to themselves. That's really what we're going to try to address here.

Any legislation that balances the rights of that individual and the rights of society is going to be very difficult. These are some changes that we think are a step in the right direction. With the previous legislation, often in many cases, whether it was the police or a family practitioner, they knew that a person was obviously

mentally ill but somehow did not meet the test of the legislation in order to force treatment. Beyond the mental health legislation alone, what I know and have heard from psychiatrists in the past is the long delays it takes to force treatment through the Consent to Treatment Act and the procedure that needs to go on. I will certainly speak in detail at a later time.

Mr Dwight Duncan (Windsor-St Clair): I'm pleased to respond to my colleague from Renfrew and my colleague from Kingston. Both members referenced the importance of not just the fact that this House is passing this legislation, but the other component of this issue, and that is resources within communities.

For nine years prior to being elected here, I was the administrator of a facility called the Brentwood Recovery Home in Windsor, and we often dealt with people on the street who were no longer on their meds, were not accessing proper care. Frankly, one of the reasons we don't have a homeless problem in our community is because of that particular facility. That being said, the resources that we could apply to the problem were, frankly, inadequate, and I would suggest we probably dealt with situations that would have been better handled elsewhere by people better able to cope with them. So as we pass this bill in the course of the next two weeks, a bill which I support, let's not forget what my colleague from Renfrew particularly referred to, and that is the need for mental health services in communities.

The other problem is the lack of psychiatrists in communities. Again, in my community of Windsor we have a shortage of psychiatrists. It's a particular problem, and it's one that will not be addressed by simple attempts to attract new doctors to our community from the existing pool.

This is an important step. My colleague from Kingston referenced the notion of reviewing the legislation in three years' time. I hope that through clause-by-clause consideration of the bill that will be put in it, and I hope the government will use this as a model of how we can do legislation more appropriately in the future.

The Acting Speaker: Response?

Mr Conway: I thank those members who addressed the remarks that Mr Gerretsen and I made.

I want to pick up on something the member from Sudbury said and reinforce it. This is, for families who have struggled with it, an absolutely painful and often an impossible experience, particularly for people who live in northern and rural communities. I represent places like Stonecliffe, Whitney, Madawaska and Bissett Creek that are three hours away from urban centres like Ottawa and Kingston, and two hours away from places like Pembroke. I'm telling you, for those people, those families, those caregivers, those support groups that are trying to, as the member from Sudbury rightly observed, do it out on their own or nearly on their own, with professional and other resources hours and hundreds of kilometres away, it is a particular challenge. So I say to the Ministry of Health and the Legislature generally, we are going to have to do a better job of providing resources, especially

in rural and northern communities. The last time I looked at the distribution of psychiatrists, they were overwhelmingly located in university teaching centres. That's simply not fair to people in Algoma-Manitowlin and in north Renfrew and in north Frontenac. I simply want to make that point.

I guess a final observation—this doesn't quite flow automatically, but I want to say to the House that one of the most fascinating stories in the history of this Legislature was what happened to one of the great powers of this place 120 years ago. It's not very well known that one of the brightest political and academic stars of late 19th-century Canada was a member of this Legislature and a very prominent member of two or three cabinets. He went mad while here. You laugh. It's a fascinating story. What happened to him and how his situation got dealt with is the stuff of a book yet to be written.

The Acting Speaker: Further debate?

Mr Steve Gilchrist (Scarborough East): It's my pleasure to rise and speak in support of Bill 68, and indeed it was my privilege to serve as Chair of the standing committee that was able to hear representation from witnesses in a number of different places across Ontario and from groups representing those with mental illness and recovered patients from all across Ontario. What poignant stories they were, and I found it quite refreshing that we had once again, perhaps for the third time ever but it's been the third time this session, bills going through committee where we had clear support and common perception of the issues from all three parties.

1620

There is no doubt in fact that a lot of the recognition should go to Mr Patten from the Liberals, who introduced a private member's bill in the last session that dealt with many of the topics we're hoping to cover with the successful passage of Bill 68. I want to thank Mr Patten. I want to thank Ms McLeod, Ms Bountrogianini and Ms Lankin, and all the opposition members as well as my colleagues, for a process that was marked by a true commitment to get to the bottom of this issue, to find the answers to a long-standing problem.

We heard how governments of all stripes for the last 30 years have wrestled with this issue. There have been changes made, to be sure, but I think that in hearing the stories of those witnesses, of people like Alana Kainz, the widow of Brian Smith, but many others, far less notable incidents, far less notable victims, of not just the violence but in some cases victims of their own inability to recognize that they had an illness and that they failed to recognize the need to take medications to deal with their illness, the process has worked.

It's been five years that I've spent in this Legislature and it's nice to see that, better late than never, we've been able to find common ground. This bill is an important opportunity for us to make it very clear that there are issues that transcend partisan politics. There are opportunities for all of us to reflect on what is right regardless of our political affiliation. We saw that in the former parliamentarians act that we brought forward. We saw it

with the Franchises Act, which was the first bill to go through first reading debate, and this bill as only the second major government bill to go through that process, I think is clear proof that we've hit on a perfect remedy to some of the forced partisanship that all too often has marked debate in this chamber.

By the time you've gone through second reading, of necessity parties have to take a firm stand, have to cement their position, have to make it very clear to their supporters, to their constituents, to their colleagues that they have certain issues they want to champion, and often they're at odds with the wording in the bill when it's first introduced. By going to hearings after first reading, before positions have been cemented, we've had the opportunity for everyone to put their thoughts on the table, for us to ask questions in a way that are probing, that are genuinely sincere in their efforts to get to the root of the problem, but without any of the partisanship.

The response from the witnesses was part of the perhaps improved methodology we saw by going through first reading debate, because we were able to tell them that it was, if not quite a clean slate, at least a slate written on in pencil that we could make changes on.

At the end of those hearings, the thing that struck me as perhaps the most remarkable achievement was the fact that we had welcomed amendments from all three parties. We had told them that, yes, this is a process that must continue to move forward, that we have to draw a line in the sand and actually bring the bill back to the House, but that we want to see just how much common ground we have been able to identify. It's my understanding that all three parties brought forward their best response to the presentations we'd heard and there was some considerable commonality to the suggestions that were made.

It's my understanding there are a considerable number of amendments that will be made to this bill. That is a clear testament to the quality of the representations that were made by the witnesses and presenters, but also, again, to the parliamentarians who were prepared to look beyond their own colours, their own party labels, and see if we could come up with a solution to this very long-standing and very serious problem.

I know that there are still two or three points that will involve further debate and I look forward to hearing those views expressed as we move forward into clause-by-clause. But in talking to the representatives from all three parties, they are extraordinarily pleased with the tone of the hearings, extraordinarily pleased with the process. I think, if ever there had been skepticism on the part of those people who have struggled with this issue, who have lived with this issue and who have seen past governments and our own government conduct hearings, conduct road shows where different parliamentarians went out and canvassed for views but then led to no legislative action, they will see in the next few days that there has been a genuine ability to reflect on their points of view, on the suggestions they've made.

More often than not, we've been able to arrive at a consensus that is going to allow us to update the Mental

Health Act and hopefully prevent the sort of tragedy which in some ways was the inspiration for Mr Patten's private member's bill and for this bill, Bill 68.

As I said at the outset, I want to share my time with the member for Guelph and also, forgive me, I should have mentioned the member for London-Fanshawe as well. Before I sit down, I make an appeal to all of my colleagues that so far the bill in this process of debate has been marked by extraordinary co-operation. We have an opportunity in these next few days to move through clause-by-clause in that same spirit. I appreciate that there may be slight differences of opinion, but I hope that we all accept the responsibility, that after decades of talk, after decades of committees and study, the time to reflect on tragedies such as the death of Brian Smith forces us to make sure this bill becomes a reality before the end of this session.

With that I yield to my two colleagues. As the Chair of the committee that will likely inherit the bill again for clause-by-clause, I want to thank all of my colleagues very sincerely. They made my job very easy. They certainly made the presenters very grateful, even more so when the bill passes, that having had an opportunity to make presentations, their suggestions have been listened to. This bill will truly reflect on those good comments and reflect on the need to bring forward a modern bill for the 21st century.

Mr Mazzilli: Listening to the debate the other evening, the member from Ottawa and the member from Timmins went into detail about some of the criteria and so on of the Mental Health Act, and some of the changes. One thing that has been acknowledged by many is that mental health treatment has changed enormously over the years through new medication. Many people are allowed to live in the community and lead productive lives who in the past had not been able to do so. That is the proper way to go. That's why the investments have been made in PAC teams to monitor people who are able to do well in the community.

Having acknowledged that, we also need to keep a close eye on community treatment because in many cases people, through no insight into their illness, believe they can live without medication. In some cases, prolonged periods of taking a medication can often pose problems of its own, thereby allowing a person to deteriorate and be hospitalized. I believe that the intentions of this act are good.

The first thing that was done: The word "imminent" was removed. In the past, a medical practitioner had to believe that a person would imminently be a danger to himself or others. Many have tried to define "imminent." Some think it's a week; some think it's two weeks. There really has not been any legal definition of "imminent." Therefore, a person obviously with a mental illness is taken to the hospital, but if a psychiatrist does not feel that it's imminent, even knowing that the person is ill and that the person has no insight into that illness, he or she must allow the person to leave that institution without being treated.

Many issues we face as governments have to do with mental illness. In many cases, the issue of becoming homeless is directly related to a mental illness, whereby a person refuses to be taken off the street and into a shelter. Why? Because they are mentally ill and have no insight into that illness and feel that they have the right, the choice to live on the street. The police will run into that person, take them to the hospital and, because they are not an imminent danger to themselves, they are allowed to go back into the community.

These are changes that many have wanted for a long period of time. The idea that when you're trying to get someone some help that they have to be a danger to themselves or others before they can be taken to a hospital to be assessed in order to get them some help—one must wonder what kind of test must be met to do that.

I fully support the changes in the act and hope it goes smoothly through the committee.

I will be sharing my time with the member from Guelph.

1630

Mrs Brenda Elliott (Guelph-Wellington): I am very pleased to have an opportunity to rise and speak to Bill 68, mental health reform, commonly referred to as Brian's Law.

I was listening very closely to my colleague from Scarborough who, as Chair of the committee undertaking review of this bill, complimented my colleagues on all sides of the House for their co-operation in looking to establish the best possible bill in a very difficult bill. This is one where I think we're all very cognizant of the word "balance." We're trying to find a balance that supports the needs—and I use the word "supports" very deliberately—of the victims who are suffering from the ravages of mental illnesses, in particular schizophrenia, which seems to be the one that is most discussed on this particular matter, and the safety, the security of the family members and the community at large.

I am going to be a little political for a moment because I do want to remind those who are listening that it is in fact the Mike Harris government which has brought this legislation forward. It was a commitment in our Blueprint: "People end up on the street for a number of reasons. Many of them need medical or psychiatric help, but are refusing it or can't understand their own problems." Down a little further, "We'll change the laws that stand in the way of families, police and social workers so that people who pose a danger to themselves or others can be taken off the streets to get the care they need."

I remember during the election campaign attending a very specific meeting that was called primarily by family members of those suffering from schizophrenia who wanted to have an entire community meeting during the election campaign devoted to the issues of mental health, mental health reform and, in particular, reform of the mental health legislation. The question was asked of me, very sincerely and very directly, "Brenda, will your government undertake to change this law that has needed to

be changed for so for very long?" I'm very pleased that it is our government that has brought this forward. I am very pleased that we have co-operation in making this happen, because there are some people who have suffered terribly as a result of this illness.

In my own community I have been asked to go to a number of meetings over the last four or five years so that I could be taught by those who have been directly affected by mental illness what kinds of assistance they need and what changes our government might have to undertake.

There are some key people in my community who I think need to be complimented. Christine Pearson, for instance, is a woman whose son suffered from mental illness. She decided she was going to do something to make the discussion of mental illness more palatable to people. In years past, there has been an embarrassment to talk about mental illness, as though mental illnesses were different than a physical illness. Christine established what's called the Wizard Walk of Hope in Guelph. It's actually being adopted all across the province by the Schizophrenia Society. She turned a walk of families and interested people from a very small Saturday morning event to a very large community event where thousands of dollars were raised to help fight schizophrenia.

There are Donnie and Elvin McNally and people like Susan Mozar, who have seen first-hand the ravages of schizophrenia within their own families. They have been tireless workers in trying to bring our government's attention, and so many others, to take this illness seriously and to find ways to reform the Mental Health Act and address it.

One person who is very influential in my community is a gentleman by the name of Ian Chovil. Ian is a young man who suffered from schizophrenia while he was in his first year of university, and his life literally came crashing down around him. Ian wrote a letter that I would like to quote from because I think it's very significant.

"I've had schizophrenia for 25 years. It took five years to develop, I was psychotic for 10 years, and I've been taking medication for 10 years. Everyone with schizophrenia who stops taking their medication will eventually become homeless or end up in jail, excluding those who don't actually have schizophrenia and those who are rehospitalized. People go off their medication because they're feeling better, because they confuse their symptoms with side effects of the medication, or because they identify their personality with the symptoms of the illness. Relapse rates are about 90% within a year if someone goes off their medication.

"Your proposed legislative changes have my full support. Maybe if they had existed when I first became ill, I wouldn't have lost the 20 years of my life that I did. Even though I have been on medication for the last 10, nothing can undo the damage that a 10-year psychotic episode has wrought, and nothing will be able to make up for the lost time."

Ian suffered terribly with mental illness. It is absolutely delightful to see Ian now as a volunteer at Home-

wood, which is a major psychiatric facility in our community. He has helped countless people and has been a tireless advocate to assist us in bringing forward changes to this legislation and to give us, in his view, certainly shared by many others, his best advice on what is to be done.

I think that for many of us, looking to change the Mental Health Act has been a little bit nerve-racking, in a sense, and that we are very cognizant of finding that exact balance. We do not want in any way to usurp rights of individuals. I am very grateful that there has been wonderful co-operation in finding amendments, fine-tuning the bill, so that we, all parties, are comfortable with what we are doing.

The objective here is to assist. It has always struck me that if someone is suffering from mental illness, somehow we are a little bit more afraid to help them. We feel a little more challenged in helping them because it's not like they have a physical illness. If we were to encounter someone on the street with a broken arm, with a broken leg or bleeding profusely, we would not feel any remorse in assisting that person. But a mental illness is different, so it has required very intensive work on fine-tuning the legislative changes. The removal of the word "imminent," the introduction of community treatment orders, the ability for police officers and physicians and family members to take a more direct role in requiring assistance for those are suffering from illness, from what I can understand, is a very good thing.

I'm very pleased that our government, with the co-operation of our colleagues across the way, is undertaking this legislation. From what I can see, it is a very good thing. Although I haven't been part of the hearings, as I read through the notes and examined the various parts, clearly we have tried to implement checks and balances. Clearly there are appeal mechanisms. Clearly we are looking to the professionalism of the physicians and the psychiatrists who will be able to finally make the decisions. Clearly the sufferer, the person who will perhaps have a treatment order arranged in their name, has an opportunity for their voice to be heard, but the bottom line is what this is doing through mental health reform: finding a way to help people who are victimized by a most difficult ailment in a way that we have been unable to before.

I have personally felt that we've let these people down in the past by not having legislation that addressed it. From all of the meetings I have held in my community, I can say that the constituents who know most about this particular file are very supportive of what we have undertaken. I'm very pleased to add my voice to that support.

I haven't had a lot of recent correspondence on this. One call I did receive said simply, "Brenda, we're really grateful that you've undertaken this and we have every confidence that it's going to help our family." That's the kind of thing I'm proud of as a legislator and I'm pleased to add my support.

1640

The Acting Speaker: Questions and comments?

Mr Duncan: I wanted particularly to respond to the member from Scarborough East, who spoke of this new procedure that we have in our standing orders which allows us to debate legislation after first reading. It has been well applied, and my hat's off to the government House leader on that for choosing appropriate legislation and now under three circumstances where it has worked. I'm glad it was the official opposition who proposed this change to the standing orders to allow this to happen last summer.

But as I thought about it, I thought it's unfortunate that this kind of process isn't more equitably and charitably applied in other circumstances. For instance, today we had two hours of hearings on Bill 74, with another day of hearings, far below what we really need. I hope, based on what I heard from the member for Scarborough East, that we will have more hearings on more bills. This Legislature, under this government, has had fewer days of hearings on major pieces of legislation than any government in the Dominion. It has the worst record historically in terms of number of days of committees meeting and actually doing the work of the Legislature. I suggest this process demonstrates that the Legislature can play an important role in the making of laws.

I see the minister responsible for the disabled here. I would suggest to her that perhaps the Ontarians with Disabilities Act might be the next logical piece of legislation that we can treat in this fashion. It's something that all three parties have agreed needs to be done, it's something that lends itself to getting input from the public and it's something that ought to have been done by now.

Again, I will be supporting this bill. I'm looking forward to seeing what amendments are finally part of the bill. I trust that the process and the way it has worked to date will continue to work so that some of the amendments being proposed by the opposition will be adopted. This marks, in my view, an opportunity for all of us to reflect on the importance of this Legislature and on the importance of due consideration of changes to laws and regulations. Failure to give that proper consideration can lead to tragedies of immense proportion.

Ms Martel: I want to respond to the opinions that were raised by the member from Scarborough East. I think he is quite correct, and I certainly heard our health critic reference it yesterday, that there has been genuine co-operation among the members of the committee to deal with what is a very difficult issue. The committee members themselves have certainly heard from individuals and organizations who represent in some cases very different points of view about what they feel needs to be done, what they are worried about might be done etc. The committee has tried to work very hard during the course of its proceeding to find the balance.

Our concern would be the ability of the committee to continue to try and find that balance during the clause-by-clause, which I understand will begin next week. What we don't want to see is the long arm of someone from the Premier's office coming into that committee to try and urge government members to move rapidly

through amendments, to shut down that process, because that won't be good for anyone.

I think the member from Scarborough East was quite correct when he said that all three political parties are going to come forward with some very important amendments. My colleague, for example, talked about the need for the preamble at the beginning of the bill so that the bill makes it clear whom this applies to. There are a number of survivors who are very concerned about an abuse of power, who don't want to be captured by the increased criteria around involuntary admissions, for example. We need to spell out very clearly for everyone whom this is aimed at. We need to deal, for example, with a redefinition of mental illness or mental disorder, and perhaps we can use the definition they use in Saskatchewan for that.

While the word "imminent" has been removed, we still have to find some kind of time frame, and the committee has to struggle with what that will be. I think we need, as well, some safeguards around the community treatment orders. We need an amendment, for example, to establish an office of the mental health advocate to deal with systemic advocacy. So there are a number of things that still have to be done if we are going to find that balance.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I listened with great interest to the speech by my colleague from Guelph-Wellington, recounting the story and some of the challenges that some of her constituents have had in dealing with this issue. I have the same story, where a number of constituents have visited me in recent years just desperately wanting to provide help for their family and for their loved one and having to confront the challenge that they know what the help is, they know what's required, but they lack the ability to do it. It has been an incredible challenge to hear the story that Alana Kainz, the widow of the late Brian Smith, speaks of. It is quite poignant and quite incredible. When she says that the bill could actually be named after the other individual involved with the case and not just that of her late husband, it is really an incredible story. The member for Ottawa Centre will know that. He has worked very hard on this issue as well.

I think it is a good sign, on an issue that is perhaps this sensitive, on an issue that is perhaps this delicate, but on an issue that is this important, that all three parties have come together at this stage. It is indeed a good sign that the legislative process is working well.

I want to put on the record, and add my voice to the member for Guelph-Wellington, my strong support for this bill. I think it's long overdue. I think it can make an incredible difference in the lives of many people in the province.

Mr Bradley: I think the member outlined the circumstances as they face this particular bill and I'm looking forward to hearing more with further debate.

The Speaker (Hon Gary Carr): Response?

Mrs Elliott: I'm pleased to have had the opportunity to speak to this bill and to hear the comments from my colleagues around the House.

I didn't mention in my presentation some of the stories about mental illness and why community treatment orders are so important. I was explaining to my colleagues that when someone suffers from a psychotic crisis and goes into a relapse, it has been illustrated that the damage the illness does to the individual in fact is increased with every single episode. So, being able to find methods of prompt and appropriate treatment is very important in maintaining the optimal long-term health of the person suffering from the illness.

The various stories I've heard from my constituents—and I think this is true for all of us who have met with families—have almost always been from the families of people who have psychiatric illnesses, and they have come to us because they have seen the effects first-hand. They have been the ones threatened by their children, by their spouses, who have lived in fear and, as my colleague from Nepean has said, have been unable to access help. This has been an enormous frustration and has ripped apart a number of family relationships. It's my hope that the changes to this act will in fact help these families overcome these challenges that have for the most part been in legislation.

I understand that the consultation has been very broad. We have looked at legislation in other jurisdictions across Canada, and hopefully we will have established a piece of legislation by the time all the amendments are put together that will be a model. I compliment my colleagues in supporting this.

The Speaker: Further debate?

Mr Bradley: I'll be sharing my time with the member for Scarborough-Agincourt. Unfortunately, there were only five minutes to canvass the issues with this bill, but one thing I will say is that there is a consensus, and I want to mention process as much as anything.

Very often there is a lot of contentious legislation that comes forward and indeed there's a lot of partisan argument that goes back and forth. On this particular bill I think there has been a genuine attempt to find, if not a compromise, at least what you would call a consensus among the three parties as to what is best to include in provisions in the bill.

Essentially it deals with a problem that is out there that all of us can no longer ignore, the problem of psychiatric patients who are not receiving appropriate treatment for their psychiatric illnesses. We see them on the streets of major metropolitan centres such as Toronto sometimes. That doesn't mean everybody out there who may be pan-handling or living on the street is necessarily a psychiatric patient, but many have psychiatric problems and those problems must be addressed.

1650

There was at one time a decided bent towards institutionalization of patients who required this kind of care. Indeed, those of us who are old enough to know this would remember a movie—I remember it from when I

was a little wee kid, of course, as the member from Scarborough will—called The Snake Pit. The Snake Pit describes some very unfortunate and horrifying circumstances within what was then called a mental institution, or a psychiatric institution. That has changed significantly as we've seen different ways of trying to provide treatment for people with psychiatric problems.

Nevertheless, there are a lot of people out on the streets and there are a lot of people in our society who simply require treatment and are not receiving that treatment. In some cases it's because they are refusing the treatment. Their families are at wit's end as they call our constituency offices. We know this. It is seldom the patient himself or herself who calls the constituency office, except perhaps in a way which is causing problems for the constituency office and the individual. But it's usually the family who calls, and the members of the family are desperate. We have to address that issue.

My colleague the member for Ottawa Centre has spoken about this on many occasions. If you said Richard Patten has been in the forefront of trying to find a solution to this problem, I think you'd be accurate, and I'm glad to see that there has been a response to that. I want to commend my colleague, as others in the House have, including the Minister of Health who quite graciously, in making an announcement, commended the member for Ottawa Centre for his efforts.

Brian's Law is an appropriate name. Brian Smith was a much-loved and much-admired individual who lived in Ottawa. He was well known in the sports world. He was a victim of an individual who had a psychiatric problem, and lost his life as a result.

But so many have called our constituency offices. The parents know or the family knows. They've called and said, "My daughter will be dead in two years unless you do something about it." We always wish there were something we could do. We always wish a law were there that would allow the parent or the family or somebody else to assist that patient. And unfortunately they were accurate in that prediction all too often. I remember looking at one individual who had called—she had called my office a few times—and she actually predicted that, and two years later her daughter was indeed dead. And that's sad.

I know there are people who are psychiatric patients themselves of the Canadian Mental Health Association who are apprehensive that some of the provisions of this legislation may be detrimental to patients. But I think when you look at it in balance, members of the committee have tried to address those concerns, have tried to put those safeguards in. What obviously is required is a lot of services in the community to meet those needs. If you're going to deinstitutionalize, you have to have to have the services in the community. One significant service is going to be adequate housing for psychiatric patients. There also may be some who are best treated within what you would call an institutional setting. I call it a hospital setting. There has to be a wide variety of services available.

But we must help to quell the anguish, to meet the needs of those who have within their families or their circles of friends people who are doing almost irreparable damage to themselves and perhaps to those around them. If this bill can address that problem without infringing in a massive way on the rights of those individuals, then it deserves the support of all in the House.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join with my colleagues in the debate on the bill. I think every one of the members of the provincial Legislature has at one or another had a parent or parents in to see them who are really at their wit's end in dealing with one of their children who experiences, often, schizophrenia, and the family just have nowhere to turn. I, like my colleague from St Catharines, have seen where in many respects it ends up being a life-and-death situation.

As we look ahead at more community-based services—I think that's a trend that all of us support—we also have to kind of adapt our legislation to ensure we have the necessary legislative framework to deal with much more of a community-based care in all areas, including mental health.

I'm supportive of the bill. For many who have had to deal with these situations it will be a significant step forward. I compliment my own colleague from Ottawa Centre. I know that he has spent an enormous amount of time working with our caucus, articulating the issue, trying to respond, frankly, to concerns that many members in our caucus have about the legislation. I take my hat off to him and to other members who have participated in it.

We would be wrong if we didn't reflect, as the committee has but as I think all members of the Legislature must, that there are some legitimate concerns out there. There was a former member of the Legislature who was a passionate and a persuasive individual, who reminded me and I think all of us of the dangers and the challenges in legislation like this where, while in the public good it deals with the problem of an individual who's unable to deal with himself, we do take away some fundamental rights. He pointed out the need to be very, very cautious in this area.

I happen to think that's probably been the number one issue with the committee as they travelled, I would speculate. As I look at some of the amendments that I understand have been agreed upon by the committee and other amendments that I believe are still in the works, the bill goes a long way towards providing some reassurance to those who are concerned about trampling on some fundamental rights of individuals. We all have to recognize that for an individual inappropriately handled under this legislation, perhaps nothing could be more frightening and no prospect more frightening than that. I happen to believe, as I say, that many of the amendments that I gather have been agreed upon and others that are close to being agreed upon will address that, not the least of which is that after a certain period of time there will be a thorough review of how well it's working.

Finally, I think this process has been helpful to the Legislature in showing that there's an opportunity to take sensitive pieces of legislation and work them through. I wish we would do more of it. I happen to sit on the finance and economics committee. We have the most major tax bill I think in the history of Ontario. It reduces corporate taxes by 40%, it's part of a package to reduce capital gains by a third, it's part of a package to reduce personal incomes taxes by 20%, and we've had virtually no debate. The minister would not come to the meeting. We had no opportunity to discuss the policy aspects of it, and it's all dealt with almost on a pro forma basis. I wish we could have had the same opportunity, for something very important to the province, to deal with it much as this committee has dealt with this bill. Perhaps we can take a lesson from that.

The Speaker: Questions and comments?

Ms Martel: The member from St Catharines said that if the bill works and will not infringe on people's rights, then it deserves the support of members in this Legislature. I think he's hit the nail on the head.

I believe the committee has worked very hard to put aside the partisan differences that we normally see around here and has tried to work towards finding a balance. They have done that in terms of the people who have come before it to make presentations and in terms of the discussion that's gone on at the committee. But I think the committee has a ways to go before people in this Legislature and outside who are watching this process eagerly can have really concrete assurances that that won't happen.

For example, everyone who would have been at the hearings, and I mean the members who participated, would know there is a huge divide between those who are advocates of community-based treatment orders, who are advocates of changes to involuntary committal criteria, and those, many of whom are survivors, who have a great fear of abuse of power and who probably have a legitimate reason to be very concerned about abuse of power.

1700

There has been a great divide, and I'm sure it was seen at the committee again, between those health care professionals, for example, psychiatrists, who work in institutions and their opinions about how we deal with mental illness, and those who work in the community and have a very different view, I suspect, about how we deal with those who have mental illness.

The role of the committee, and it's a continuing role that has to be addressed during the amendment process, is how to try and strike that balance between those two very different points of view. Having a preamble, for example, in the legislation which clearly sets out who is intended to be captured by this legislation and who isn't will go a very long way to dealing with that. A redefinition of mental illness and mental disorder, for example, perhaps using the Saskatchewan definition, will go a long way too. The committee has come a long way, but it has a long way to go yet to try and find that balance.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I am pleased today to enter into this debate. I have heard a number of my colleagues talking about things we've heard in the constituency and how it affects some of our constituents.

As you know, I have been elected for five years as of tomorrow, I guess is the right day, and in that time frame I have had an elderly couple come into my constituency office. They sat there, and I have to tell you it was probably the saddest meeting I ever had in my constituency office. They begged, they pleaded for someone to do something to help their 20- to 30-year-old son who was refusing to take his medication. When this has happened, and I guess it had happened to their son in the past, they were unable to keep him in the house. He started to live on the streets—in Huron county in the wintertime that's a pretty cold environment—and lived in a garden shed. They couldn't find him. He was eating out of garbage pails. It was just a very sad story for two very elderly parents to have to handle.

As they sit at home today and watch this legislation move through the process, it will provide them with a sense of well-being, as they reach their golden years, that their son will be taken care of. With these community treatment orders, we will now as a community be able to do something to help this young man and make sure he gets the health care he needs to lead the life he deserves to live, as a result of all the work his parents have done and all the worry his parents have had for him over the last 30 years.

Mr Michael A. Brown (Algoma-Manitoulin): I want to commend the member for St Catharines and the member for Scarborough-Agincourt for their comments. But having listened to virtually all the debate in the chamber on this bill, it strikes me that in some ways we're a little self-congratulatory. This is a tremendously difficult issue. I, like most members who have been here for a while, understand the pain of families who come to your office. We have had to assist families on various occasions where people have been admitted to the North Bay psychiatric facility and then released prematurely, often into situations that are dangerous not only to themselves but to others.

I've also met with groups like Club 90 in Elliot Lake, which does absolutely wonderful work with people who have mental illness, and I understand that there are real problems in how we get to the point of deciding how these orders will work. It sounds to me as if we're moving down the road very well, but I think I hear some members speak of this as if it is some grand solution. It will resolve some of the problem. It is not, however, really the grand solution that some folks seem to think. I don't believe there is a grand solution. It isn't going to happen.

What this Legislature needs to do is focus on this issue over a longer period of time. Don't pass this bill and say, "It's fixed," because it will not be fixed. We will still see problems until we put the resources into the system.

Mr O'Toole: It's a pleasure to try and relate the important issue before us of both community safety and patients' rights to my own community. I've had inquiries from parents and others in the community to try to look out for the needs of individuals in the community. I did listen to the member for Scarborough-Agincourt's comments with some interest. That's why I'm responding. The member for Ottawa Centre, I know the work you've done on this to make sure that we do find the balance.

If you look at some of the provisions within the bill, it's important to put them on the record. Related to reducing the possible delays to either go through and go to the courts and to the Consent and Capacity Board, it's intended to eliminate those delays and get to the immediacy of providing appropriate treatment. Of course, the appropriate treatment is defined in the explanation clause as someone who has already been in an institution or has had reasons to be under medication in prior events. That's pretty well defined.

The procedures include application for a representative to make treatment decisions on behalf of an incapable person concerning his or her capacity to consent to treatment. We have there a substitute decision-maker who is going to look out in some reasonable fashion for the individual's rights. That could be a parent, a close friend, a partner, a spouse, whatever. That balances. I repeat, perhaps for the fifth time that I've had occasion to mention it on this bill, I recognize it's very sensitive. The reason for the compassion here is to find a balance of rights between safety in the community and the rights of those individuals who suffer from mental health problems in their lives. It's important that we all listen and be sensitive. There is no final solution.

The Speaker: Response?

Mr Bradley: On behalf of the member for Scarborough-Agincourt and on my behalf, I thank the members for their input and the responses to our remarks. I think one of the good provisions—and this did happen; I was just checking with my colleague—is that this is a bill that went directly to committee after first reading. That is a good provision. I've been very critical of many of the rules changes that have been made, and I think my criticism is justified. One I want to put on record as being in favour of is this provision which allows a bill to go directly to committee when there's a consensus among the three House leaders that it should do so.

We've seen the product of that now. We've seen all three parties have a more open mind to some of the representations made by the public and made by one another within committee. It's been a good procedure. That's why we're going to have a better bill than we would have had we decided to go a different procedure where political stances were set in cement, so to speak.

The community treatment order is a tool that can be used to assist people with psychiatric problems. It isn't the only tool and it isn't the final solution, but it is an important one. Action simply had to be taken to confront this situation. Nobody is asking to go back to the old days where people were unjustifiably confined in some

circumstances to psychiatric institutions. What we're looking for is to assist those who are perhaps not capable of making those decisions to seek and to find the necessary treatment that will be of assistance to them.

The debate this afternoon, as it has been previously on this bill, may not have been loud or dramatic; it has been much more civil than most debates in this House. I want to commend all members from all parties on the role that they have played in developing what I think is a good piece of legislation.

The Speaker: Further debate?

Ms Martel: I appreciate the opportunity to participate in the debate this afternoon. I think it's fair to say that all members will make a decision about how they vote on this based on what their experiences have been, whether that has to do with personal experiences in dealing with family members who have experienced mental illness, whether it is dealing with constituents who have come in seeking help, who are desperate, who are frustrated, who are financially strapped and trying to get treatment, or based on what they know in terms of their experience of what supports are available for the mentally ill in their communities.

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So I come at it from that standpoint, that I have thought about this for a while now and am trying to balance a need for some of those constituents who have come to see me who have been at their wit's end in trying to deal with a family member versus the hope that we offer people through this bill that may very well be a false hope indeed in my community, because when it comes right down to it we have so very few of the supports we need to have in place to make community treatment orders work or to deal with an increased number of admissions that I think is going to well come because of the change in criteria of involuntary admission. Let me begin from there.

One of the cases that is most clear in my mind is that of two sisters who came to see me a couple of years ago with respect to an adult brother who had suffered for many years from mental illness. The pattern was always the same, and it was so very destructive for him and them as a family. The pattern was that he would be in a facility for some time. He would be back on his medication. He would be released. He would end up in an apartment because they couldn't find supportive housing for him. After a certain time, he would come off the medication. He would use his meagre resources from his disability pension to buy a plane ticket and would take off across the country or take off out of the country, to Mexico and other countries, until such time as he was incarcerated by the local authorities. The Canadian embassy would get involved in that particular country, the family would be called, and someone would have to spend their financial resources to go down and try to bring him back.

At the point that they came to see me, this had happened at least 11 times, if not 12, for this particular family. They had tried to set him up in an apartment. It didn't work. They were financially strapped themselves

because they always had to go and try to bring him back, and they were at their wit's end about what to do. Clearly we all want to do something for that family and so many others who are in that predicament.

I balance that against a hope that the legislation offers to people, which is that we are going to somehow resolve these problems through the use of community treatment orders or expanding the criteria for involuntary admissions to psychiatric facilities. I look at my own community and I say: "What hope do we really offer people if we don't have those supports in our community? What justice do we do to those families if we pass a bill and don't put into place those very necessary supports?"

I spoke earlier today to the executive director of Network North in my community, Mr Randy Hotta. Network North provides mental health services in our community both in a facility where there are long-term patients who suffer from mental illness and in a number of community-based programs. They offer that throughout Sudbury and Manitoulin.

His concern is that we don't have enough services now in place in our community before we even pass this bill. We don't have enough services in place in our community now to deal with those suffering from mental illness. What do we offer people after we pass the bill and some of its provisions go into place? We need more day programs in our community. We need more supervised recreation programs for the mentally ill. Even though the Sudbury branch of the Canadian Mental Health Association has a drop-in centre and is trying to do the best job it can, they don't have enough financial resources to meet the needs.

We need supportive housing in our community to ensure that when people come out of institutions they have a place to go where they will be supported, where someone will ensure that they will take their medication, that they will eat properly etc. We need a whole bunch more support for the assertive community treatment teams in our community, who are having a problem because there are not the health care professionals and providers attached to those teams to actually put a treatment plan into place for someone suffering from mental illness.

If I may just deal for one very brief moment with respect to supportive housing, in our community, on June 19 an inquest will begin into the death of Lee Segarra, who died from exposure on March 18, 1998. Lee Segarra was manic-depressive, suffered greatly. He lived in his own apartment. He died from exposure a few yards away from that apartment on a very cold evening on March 23. His mother, who has been talking to the media as the inquest gets underway, says very clearly he needed some kind of transition house. He needed somewhere he could go where there would be 24-hour care to make sure he took his medication—not an institution, not hospitalization, but supportive housing. Of course, she is hoping that through the inquest there will be recommendations made for supportive housing. Whether or not the resources are found to deal with that potential request or recommendation is a whole other thing. Clearly, we have

a number of services that are lacking in our community, even before this bill would be passed.

If I look at the ability of the hospital system, for example, to deal with increased admissions that I think will come when we change the criteria around involuntary admissions, again I have some very serious concerns about the ability of our regional hospital and others to deal with increased admissions. Our hospital is one that has been affected by the Health Services Restructuring Commission. Right now we have 68 acute care beds in the community to deal with people suffering from mental illness. Some 44 of those are at the Algoma site, which is the site operated by Network North; 25 are at the Sudbury Regional Hospital. But because of the commission's changes we are going to drop down to 39 acute care beds in our community by the year 2003.

Can we meet the needs of the increased admissions that I think will flow from this bill? Can other communities, like Thunder Bay, North Bay? Any of the other communities that have psychiatric beds that have been impacted by the recommendations—and all of those recommendations have led to a decline in beds—are they going to be in a position to meet the needs that will surely come when we broaden the criteria around involuntary admissions? The government has to very clearly take a look at what the commission has recommended, the cut in beds, and whether or not in those communities those hospitals that are left are going to be able to meet the needs that will come from this bill.

If I look at the number of psychiatrists, for example, in my community and the number of doctors—because both groups of health care professionals will be impacted by this bill—I have some really serious concerns about calling on our health care professionals to meet the needs and their capacity to respond. I said earlier that as I look at the underserved area list for our community for June 2000, we have a designation for 20 psychiatrists in our community now to serve Sudbury and Manitoulin. We have 11; we have a need for nine. We have half the complement we are supposed to have to deal with people who have very serious needs in our community and in the communities in Manitoulin—half the complement.

If you look at the physician complement, it's not much better. If I look at the underserved area list, we have a need in Sudbury and outlying areas for 11 physicians. We know that under this bill, for example, there are additional responsibilities granted to physicians, which will require additional physicians to meet those needs, and we are already facing a crisis and doctor shortage in my community now.

My real concern is that we have neither the community supports in place with respect to supportive housing, with respect to day programs for the mentally ill, nor the health care professional resources in our community to deal with the needs that are going to come. I remain very concerned that what we will do is create much false hope and false expectations for so many families who have a desperate need.

I, for one, don't want to be in that position. That's why one of the amendments we will put forward calls for a basket of services to be available in communities, so that not only will a community that is well staffed in terms of psychiatrists, psychologists, doctors, supportive housing and other things that we need benefit if the bill passes because the resources are in place, but that we work very hard to make sure that other communities across the province that lack those resources are going to have them in place when this bill is actually passed. That means a very significant commitment by this government to additional resources: human resources in terms of psychiatrists, psychologists, family physicians who have some competency in mental health illness, and other additional resources in terms of housing and all the other community needs.

The government has to be aware that as we move forward, those needs are going to have to be addressed. I hope the government is going to be committed to making sure those financial and human needs are addressed.

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The Speaker: Questions and comments?

Mrs Elliott: I'm pleased to have a moment to respond to my colleague from Nickel Belt, who has been speaking about Brian's Law. There have been a number of comments made about resources available, and I thought it would be useful for the following points to be placed on the record to illustrate how our government has committed resources to ensuring that community services are available. Since 1995 over \$150 million has been invested in community-based and hospital-based mental health care. In fact, community-based funding has increased by 95% since 1995, from \$239 million in 1994-95 to \$466 million in 1999-2000. The Ministry of Health and Long-Term Care will be spending \$2.47 billion in total on mental health programs and services. This is an increase of 19% since 1995.

So not only are we undertaking extensive reform to the Mental Health Act, but we have been very diligent in ensuring that funding is available to provide the kind of community-based resources that everyone agrees are necessary and are being put in place to help those who require the help locally.

Mr Richard Patten (Ottawa Centre): I might point out that we have some former employees of Hansard visiting today: Pat Girouard and Beth Grahame. Welcome. I hope you're being recognized for the fine work you've done in the past.

I listened very carefully to the member for Nickel Belt because she often provides very thoughtful and considered advice with legislation that is here in the House. I want her to know that I share her concern, especially about resources. There are indications that the government has moved on increasing and addressing some of the community needs. I know some of the ACTT teams, which is not the complete answer to all of this, 51 are pretty well in place. The person responsible for doing that has testified publicly and said, "We need to have three times this amount." The government has given

indications that there will be. Any decommissioning capital—which means land, buildings, whatever—will be transferable to the community, and any operational budgets from any psych hospitals will go into the community. The minister is on record as having said that. In spite of that, it's probably still not sufficient, but there will have to be a gradual increase in resources.

I want to quickly add, and I'll address this later on more thoroughly, that with the safeguards that are there with what I call the community treatment agreement—because this is a medical model; it's not a court model—I'm led to believe, in consultations with medical practitioners and others from other jurisdictions, that we have the most stringent criteria. With the involvement of teams that would be part of this particular area, it of course reinforces the opportunity for people to always raise questions about the rights issue. I think that will occur.

Mr Brown: I appreciate very much the comments of my colleague from Nickel Belt.

I want to spend a moment to reflect upon the death of a young person whose father resides in my constituency. There will be an inquest held into Lee Segarra's death, I believe on the 19th of this month. It is significant, because this is a person whom this system has failed. Clearly, people are victims are mental illness, just as they are victims of cancer or heart problems or any other disease, whether it's chronic or otherwise.

The system obviously has failed. When I spoke to his father, Israel, who resides in my constituency, he was heartbroken. He had attempted to do whatever he could to make sure that his son did not die an untimely and unnecessary death. We are hopeful that the inquest will come with some solutions. But in my last conversation with Israel I spoke about this proposed legislation and I said, "Do you think this will help?" He said, "I think it will, but I also think what my son Lee needed most was a halfway house, a place that, when he was discharged from hospital, he could go to and have some small amount of supervision, but still some supervision, and integrate himself into the community." I'm afraid that without that kind of support, perhaps we are raising some false hopes here. I hope not.

The Speaker: Response?

Ms Martel: I would like to thank all the members who made some comments. Maybe I can end on this note. I appreciate that the member for Guelph-Wellington put into the record the investment that the government has made. The point I'm trying to make is, today, when I call the executive director of Network North, an association that deals with the mentally ill in our community, he will say to me that whatever the government has done, as we stand here today, we don't have enough supports in our community to deal with those who suffer from mental illness. So I'm working from the premise, before this bill has even been passed and the changes that I think we all assume will flow from it come to pass, that we find in our community of Sudbury and the outlying region that we cannot cope now with what we are being asked to cope with.

As I look at this bill and what we are offering people, and the hope that we are offering people through this bill, I remain very concerned that we are going to end up dashing the hopes of so many and leaving them as frustrated as they have ever been. Despite the legislation that may be put in place which will allow for community treatment orders or more involuntary admissions, in fact the supports in the community to allow community treatment orders to work, the supports in our psychiatric institutions or our regional hospitals that have acute care beds for psychiatric patients, those beds and those health care providers won't be there to provide the service that we need.

As we move forward in the clause-by-clause, I hope the government will be able to take the necessary time to deal fully with the amendments that will come, because we are all trying I think to make this work. I hope the government will bear in mind very much that we don't want this to work in different ways or not at all in northern Ontario or in rural areas, and without some very significant additional resources, I fear that's what's going to happen.

The Speaker: Further debate?

Mr Brian Coburn (Carleton-Gloucester): Thank you for the opportunity to speak to this issue and on Brian's Law.

Sitting here this afternoon and listening to the debate back and forth, I couldn't help but think how everybody talked about their personal experience with somebody they knew and how it affects the lives of pretty well all of us, where we have a family member or a friend or a neighbour or someone we know who needs some help.

In my former life as mayor of Cumberland, in the nine years I was there, on many occasions where I had people coming to me, I thought at some points that maybe I was in the priesthood or I should have been a minister. They come to you looking for advice and help, and you struggle for answers of where you direct individuals who have a family member or a friend they care for, a loved one, and they're in some extreme difficulty, deeply troubled and in fact frantic, trying to find some form of assistance or help in our society. Those situations were very traumatic to me as an individual, not having any training or experience, when they would come to a leader in a community looking for some direction and it seemed as though, as I called one place and another for help and talked to some professionals, getting shunted from one to another, that there wasn't necessarily a solution.

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As everybody struggled to try to provide something concrete to grasp on to, that generated some hope that you could help a certain individual, it left you feeling helpless, empty and totally incapacitated. That's why this bill provides some hope. For me, as an individual who has experience with family, friends and some of my constituents, it provides hope that we're moving. This may not be the ultimate solution, but as we move forward you can certainly feel that we are making progress as a result of the consultation we have had with our stakeholders in

the community. Certainly it's a debate on a difficult issue that's stressful and emotional, but I think it's through the humanity and the love of our fellow man that we struggle to try to find better solutions.

I didn't know Brian Smith as well as my colleague from Nepean West, Mr Guzzo, but I did know him, and on several occasions I had the pleasure of listening to him at fundraisers and at different functions. He was a highly respected individual who was dedicated to his community, to his fellow human beings, and he was in many areas idolized for his energy and his commitment to our community in an effort to help others through the fundraisers and through his speaking engagements. The last one I was at was in the village of Cumberland. It was at the annual banquet of the Cumberland Lions Club, and Brian was a guest speaker. It was a very enjoyable evening. I was mayor at the time and I was the brunt of many of his jokes, to the pleasure of some of my constituents. But I can vividly remember how he energized the crowd that evening. So I think this bill is appropriately named and provides some remembrance of an individual who cared so deeply for his community and certainly for his family.

In our Blueprint, our government committed to ensuring that people who pose a danger to themselves or others would be able to receive the treatment they need, and Ontario's mental health system must provide a continuum of institutional and community-based care. Our government undertook a comprehensive review of the mental health system in 1998 and, based on those recommendations in the report, we committed \$60 million into the mental health system, and specifically into community-based service.

Our government has committed to a public policy that will indeed balance individual rights, public safety, treatment and protection of individuals with mental illness.

There must also be a recognition of the public's expectation to safety and security. To further our commitment, we have consulted extensively, and those consultations have been headed by the parliamentary assistant to the Minister of Health, my colleague Brad Clark from Stoney Creek. Earlier this afternoon, he once again informed us of the common concern that he heard in those hearings and those consultations: that there be sufficient resources put into the community to fund the community-based services and homes for special care.

Our government is committed to creating an integrated and comprehensive mental health system that emphasizes prevention, access to services, and that improves public safety. The Ministry of Health spends \$2.4 million on mental health programs and services, programs such as the community-based services, homes for special care, provincial and speciality psychiatric hospitals and general hospital psychiatric units.

Since 1995 our government has invested \$150 million in mental health care programs in Ontario. More specifically, in the eastern region of Ontario, around the Ottawa area, we have benefited in a number of ways: \$10.5 million to expand community-based mental health services

to a total of 51 assertive community treatment teams, and to enhance court diversion, psychogeriatric outreach, case management, crisis support services; \$2.5 million for community investment funding to establish and enhance the assertive community treatment teams, case management, family support, crisis response services across the province; \$3.5 million for additional mental health beds and increased community-based services in case management, family support and crisis services; \$2 million to provide housing support and mental health care supports and services for homeless individuals with serious mental illness.

We have also committed \$350,000 for hard-to-reach and socially isolated individuals with serious mental illnesses. The Royal Ottawa Hospital has received \$1 million to develop an assertive community treatment team with a specialized focus on individuals with schizophrenia. Hôpital Montfort has received \$1 million for a francophone team for Ottawa-Carleton and a \$200,000 enhancement for the existing assertive community treatment team serving Prescott and Russell counties.

The Royal Ottawa Hospital has also received \$600,000 to enhance its existing capacity to provide psychogeriatric long-term-care facilities in Ottawa-Carleton and to begin developing a regional psychogeriatric service capacity starting with Stormont, Dundas and Glengarry counties in the Cornwall area.

Psychogeriatric Community Services of Ottawa-Carleton received \$400,000 to enhance its existing community capacity to provide specialized services to older consumers and their families in Ottawa-Carleton.

The Ottawa Hospital has received a little over \$1.6 million to provide a 16-hour community crisis support system for Ottawa-Carleton. The Sandy Hill Community Health Centre will provide the following crisis service through a purchase of service agreement with the hospital: mobile outreach capacity, telephone crisis line, consumer peer support training program, and training for consumers involved in providing peer crisis support services.

There are numerous other initiatives we have taken in the Ottawa area.

This is a step forward, and I support the bill.

The Speaker: Questions and comments?

Mr Steve Peters (Elgin-Middlesex-London): I am pleased to respond to the comments from our colleague from Carleton-Gloucester, and I take this opportunity to commend the efforts of my own colleague Richard Patten, the representative from Ottawa Centre, for his long-term commitment to this issue.

I've got to be straight up with everyone. I have some serious difficulties in supporting this piece of legislation in its present form, but I have seen put forward some very good amendments that I believe should be incorporated in the final version of this bill. I think it's important we take into consideration and incorporate the comments put forth by organizations like the Canadian Mental Health Association and by other individuals, and

such as I've received from the patient advocate at the London and St Thomas psychiatric hospitals.

We need to ensure that if this is going to be a good bill and a good piece of legislation that is going to help us make strides in dealing with mental illness in our community, we get and incorporate that input from as wide a cross-section and variety of organizations as possible. It's incumbent upon all of us and upon those individuals who are going to be part of the committee that those views are listened to and are part of the final product.

I can't stress enough the need for community supports. Having been a mayor of a community that has been the home of a psychiatric hospital for over 60 years, and having seen a hospital that is scheduled to close, I have some grave concern that those community supports are not in place yet. We need to ensure that there is the supportive housing in the community, that the PACT and the ACT teams are there. We've heard that we need to more than triple the number of PACT teams, but also programs like the community kitchen and the ACES program in my own community have been under threat of closure. These are important community supports. We need to make sure there are beds.

I've been advocating trying to get a patient moved from St Thomas Psychiatric Hospital to Whitby. There's no bed in Whitby; it's going to be two years. Community supports need to be in place.

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Ms Martel: In response to the comments made by the member for Carleton-Gloucester, I won't repeat again the concerns I have already raised during the course of the debate around the community supports. I do, however, want to reinforce my concern around whether some of our hospitals will be in a position to deal with the additional patients that I think are going to be involuntarily admitted when this bill is passed.

There were a number of people who made claims during the committee hearings that this would not be the case. But yesterday my colleague from Beaches-East York referred to a study that is worth referencing again with respect to a potential burden on the psychiatric facilities in the province, with the passage of this bill. It had to do with a study that was done in Washington state in 1979 when the state government there broadened some of its criteria from dangerousness to include grave disability, meaning someone who is in need of treatment because they would otherwise mentally deteriorate.

The study examined what was happening in the system two years before the change in legislation and then two years after. So it went from 1977 to 1981. The study showed that there was a massive increase in admissions to psychiatric facilities as a result of that change in legislation and that change in definition. In the first year after the legislation was passed, there was an increase of 45.2% of involuntary committals to state hospitals. In year two that number shot up to 91%. So we had almost a doubling of admissions within two years of the change in legislation in terms of increasing the numbers of those who were involuntarily committed to state facilities.

I say to the government, get out in front of this situation because we already know that in many communities like my own, as a result of the Health Services Restructuring Commission, the number of acute care beds available to deal with psychiatric patients is being cut, not increased. In my community it was cut from 68 to 39. You really have to deal with this issue too as you deal with this bill.

Mr Patten: I'm pleased to respond to my friend from the Ottawa-Carleton area, from Carleton-Gloucester. I know, as have most people here who have spoken, and have had first-hand experience. The situations he described are euphemistically called a revolving-door syndrome, people who are in and out of hospital. Of course what the bill is attempting to do is to address those individuals, that very small proportion.

Something that hasn't been dealt with, and I will deal with this more at third reading, is that it's very important to understand that every time someone has a psychotic episode, brain damage occurs. So if we think of how we respond, would we allow someone with other afflictions to continue to disable themselves? No, we wouldn't. We would provide the very best that's possible. But it's not just that because they have the right to refuse treatment, they can refuse treatment and that's OK. It's not OK. We have not talked yet on the medical side, of the brain damage that is occurring and the crippling of people and the agony that that individual, or families, very often, or others experience by virtue of this.

I would like to cite one example from a deposition on community treatment orders from British Columbia, in which a woman had been hospitalized 55 times over 15 years in Kenora and Vancouver, her stays in the hospital most commonly precipitated by non-compliance. In the last few months in 1996 she was assessed in several emergency departments on five separate occasions because of suicide attempts. Of course, she had a right. She would get off her medication. Then she eventually committed suicide. That's the kind of people we're trying to help, to make sure they get the treatment they need.

The Speaker: Further questions and comments? Seeing none, response?

Mr Coburn: When you're of my vintage, which isn't ancient, but I've been around for a little longer than some of my colleagues—when I look back, when I was a kid growing up, this was an issue that you didn't talk about, that you didn't want to talk about. When you think how far we've come, it's part of the evolution of our society. For the member from Ottawa Centre, as I understand it, this has been an issue he has been working on for quite some time now. With his persistence, and the Minister of Health bringing this particular bill forward, it is a step forward and a very significant step forward. The sensitivity of this issue by its very nature ensures caution, and the experience we gain from this step will guide us in the next step in our communities and the experiences we will have with the individuals we're trying to help and with the medical profession, whose dedication we rely on. Their professionalism and their caring nature will

help us implement these programs and ensure that we expand upon them in the right and appropriate areas.

This bill provides hope to many, and for those of us in this place it will identify that there is certainly more to do.

The Speaker: Further debate?

Mr Duncan: I'm pleased to join the debate this evening on Bill 68, Brian's Law. I want to begin by congratulating my colleague from Ottawa Centre, Richard Patten who, as other members on all sides of the House have acknowledged, has really, through his sheer persistence and dogged determination, brought us to the point where we are today and taught all of us a lesson about the role a member of provincial Parliament can play in changing the law. We all owe him a debt of gratitude.

I congratulate the government for bringing forward this legislation, and to the government House leader—I spoke earlier in response to another member—we're using a new parliamentary procedure for the second time on substantive legislation, for the third time in total. Both cases where we've used it to date I think have produced a result that has reinforced my view that members of provincial Parliament can and should play an important role in the development of legislation.

I also wanted to comment on the remarks that my colleague from Ottawa West-Nepean, Judge Guzzo, made earlier today. I had the opportunity to see part of them here in the chamber and view the rest on television. His remarks reflected to me the very best in what members of provincial Parliament can be. His personal, lifelong friendship with Mr Smith and a deep understanding of the issue were indeed most impressive.

My colleagues and I will be voting in favour of this legislation. I think we've made that pretty clear. We've talked about a variety of changes. Earlier today we negotiated the opportunity to have two days of clause-by-clause consideration. I know my colleague from Thunder Bay-Atikokan, Mrs McLeod, and Mr Patten presented to the government a series of amendments we believe will strengthen the legislation. Those sorts of amendments will deal with the questions that were raised in the public hearings and merit, I hope, the serious attention of the government. My understanding is that the government has already indicated a willingness to accept some of the amendments, and we hope in the course of clause-by-clause consideration they will adopt those amendments.

I would be remiss if I didn't mention Frank Sheehan and his group in Windsor. I congratulate and thank them for, first of all, educating me about this issue from their perspective as the parents of schizophrenics. They started more than five years ago sharing their views with me on this issue and helping to educate me about the concerns they had, and they have been an invaluable resource to me as an MPP and, I might add, an invaluable resource to our community in helping to have a greater understanding of all of these issues.

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For nine years I was the administrator at the Brentwood Recovery Home in Windsor which, for members

who don't know, is the largest alcohol and drug recovery facility in the country. It caters to a variety of clients. Many of the people we saw on an ongoing basis, many people who came to us, not necessarily for treatment per se but for help, had suffered as schizophrenics all kinds of different conditions, and many were off their meds and were not receiving treatment in the community.

There was no support. We often provided support in the form of housing, in the form of meals, in the form of legal counsel, because many of these people wound up in trouble with the law. Many people wound up in jail. It became apparent to me in those nine years, as I witnessed this—and, I might add, on a daily basis—that the great commitment to the late 1970s and early 1980s with respect to the reform of mental health services in this province, well-intended by successive governments, had flaws. I believe that this bill takes us a part of the way to addressing what those flaws are.

I listened with great interest, as I always do, to my colleague from Renfrew, Mr Conway, as he reflected on recent experiences. He observed trials going on in courtrooms in his riding and the types of issues that are dealt with in courts of law on a daily basis, the types of challenging issues that are going on. It struck home with me as well. My wife is a criminal lawyer and often deals with people in the courts who have very substantive problems that need to be addressed and, quite frankly, haven't been addressed. This legislation, I believe, begins to do that.

However, it is important to note, amid the goodwill we've established on this particular issue, amid the very meaningful substantive debate that we've seen occurring between legislatures, that the legislation itself is but one component of this issue. The other component is community supports for those who have mental health issues and for their families. One without the other just isn't going to work. It will not work in my community, by way of example, if we continue to have a shortage of psychiatrists, if we don't have the sorts of community supports on an ongoing basis for these individuals who suffer the tragedy of mental disease. I'm of the view that this problem is going to become much worse. I mentioned to you my friend Frank Sheehan and what his group has done in Windsor. These are all people who are seniors, in many instances, and they have adult children. They're very concerned about the future of their children when they won't be there. I can tell you the difficulty they have in coping with the issues their children present on a daily basis.

When we speak of children, we're oftentimes referencing 40- and 50-year-old adults. These people have made the sacrifice over the years. These people are the stalwarts of this province. They didn't want their children institutionalized and they have made the sacrifices they had to make to support them and to be at home for them, in many instances without a lot of support from the

community and from government. They view this legislation as an important step forward. This Legislature and this province are going to have to deal with this issue and a number of other issues related to the aging population, whether it be people with mental disorders or other types of disorders, where the parents are becoming elderly and will not be able to continue to provide the care.

I was referencing my time at Brentwood. As long as five, six years ago, families were beginning to come to us to ask if we would act as trustee in the event of their demise, because there was no immediate family member who would be in a position to provide ongoing care to a child or a brother or a sister who might already be 40 or 45 years old. Unfortunately, we had to say no because we didn't have the resources to do that. I think we all recognize in this House that that sort of challenge is going to become more and more prevalent. Think of your own communities, your own neighbourhood, families that for years have supported someone who is now an adult child with one of these challenges.

We've got to examine the whole range of services we provide and the quantity of those services we provide, and recognize that, in addition to what we're dealing with now, there is a greater challenge emerging. That challenge will require resources. That challenge will require money. I'm one of those who believes that we should be spending money to help give these people in our community, these people who are now in their golden years, who have done the duty they felt compelled to do for their children and their family, who are approaching the future with trepidation, not knowing what will become of their child—we have got to contend with that issue.

I, for one, believe that those sorts of initiatives are more important at this time than tax cuts, because those people paid their taxes for years, and I believe that we, as a society and as a community, ought to give them some kind of comfort in their golden years.

I look forward to voting for this bill. I thank the government for adopting our proposal to do this and I look forward to it passing in several days.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: In light of the time constraint we have, I would ask for unanimous consent that we pass on the questions and answers and that the question be put.

The Speaker: Unanimous consent? Agreed.

Mr Clark has moved second reading of Bill 68. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Hon Mr Klees: I move that the bill be referred to the committee on general government.

The Speaker: The bill is accordingly referred to the committee on general government.

This House stands adjourned until 6:45 pm.

The House adjourned at 1758.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

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No. 68B

N° 68B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 7 June 2000

Mercredi 7 juin 2000



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 7 June 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 7 juin 2000

The House met at 1845.

ORDERS OF THE DAY

SAFE SCHOOLS ACT, 2000

LOI DE 2000 SUR LA SÉCURITÉ DANS LES ÉCOLES

Resuming the debate adjourned on June 6, 2000, on the motion for second reading of Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act / *Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante.*

Mr Rosario Marchese (Trinity-Spadina): I want to welcome the people of Ontario. This is a political forum and we're on live. It's about a quarter to 7 on Wednesday night. I'm on for about 35 minutes. It's good to have a couple of minutes extra because there's so much to say. Usually at the end of the 35 minutes I'm trying, in a hurry, to encompass all the other points I wanted to encapsulate, and that never works because there's never enough time.

Today we were dealing with hearings on Bill 74, the bill that is called An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience. That's what we were dealing with. This government is proud of that bill, and because they are so proud of Bill 74, they conceded the opposition, the general public, concerned Ontarians, teachers, the union bosses, two hours of participatory democracy—a full two hours.

Oh, the participants were just so thrilled to have a couple of minutes. I've got to tell you, they didn't have a lot good to say of this government, except I must admit they found a city councillor to come and support this bill, God bless her, and some other retired teacher who spoke for 10 minutes. We didn't have enough time to ask him a couple of questions, because I had a list of questions I wanted to ask him. I wonder where they dug him out from, but he was there.

But the majority of people complained about the lack of democracy in this society under this government. That's why I say, and many Ontarians say that we have

an accountability deficit. I know you hear the word "deficit" often. This is an accountability deficit that we are suffering from. Although the government is making everyone accountable, from the poor squeegee kids to the poor welfare recipients to labour to the union bosses to teachers, they haven't been able to find the time to make themselves accountable.

How do you make yourself accountable? I believe that as a politician I should be held accountable by the public. I believe in that very strongly. I believe that when people in our constituencies call for a meeting, we should be made available to them so they can tell us what they need to tell us. I make my time available on Fridays, and other days if necessary, and evenings if necessary, to meet with the public. That's at the individual level. I hear a lot of members from the government benches are so busy they can't find the time to make themselves accountable to the public. I hear a lot of complaints about many of the members, because they don't have the temerity, it seems, to face the public when they want to be critical of this government.

I believe politicians and government need to be accountable to the public. Conservatives, Reform Party people that they are, always love to talk about the common folk. They always love to talk about accountability. Everyone else should be held accountable, but not them. I argue you make yourself accountable by having hearings when you present a bill in the House, giving journalists the time to review your bills, giving the public the time to review the effects of your bills on them as parents and on their children, giving the concerned parties, in this case the teachers, the time to reflect on how badly you are whacking them, because you've been chasing them around every corner with a cane since you came into office. They're looking for a bit of time to respond to your bill because they are affected citizens. Two hours in Barrie and one day in Ottawa is all you have given us. That's why I call it an accountability deficit.

I met a fine woman at Barrie. I had never met her before. She said to me: "What can we do? I feel so often that I'm having such problems reaching out to other parents. How do we reach them so that we can talk to them about what these people are doing?" She was not a very politicized individual. She was not a political, partisan person, that I was aware of. She's becoming involved because in reading and learning and hearing from other parents who are actively involved and understand the effects of these bills on them, she got involved.

As she gets involved, she realizes how difficult the political process is, how difficult political education is, how difficult it is to involve people, and that's what they rely on. They rely, the Tories, on the public to be submissive, subservient and silent. They honour those qualities, they love those qualities, because it is only through the promotion of those qualities that they can pass any bill they want and not have the protest these bills so richly deserve.

Gradually, as people are talking about it, they're getting involved—and in those Tory ridings, yet, where they seem to have some respect for some of these people. But it's eroding and I'm happy to see it. They have gone after teachers in such a vicious way, relentlessly for five years because, in my view, they're an easy target. They are so easily victimized.

All they can do is hope that the public, through the buzzwords they use: that they're concerned about quality; that they're concerned about the little kiddies—the little kiddies come first for them; that they're concerned for accountability; concerned, yes, that the union bosses are there and they're messing up this place and they have to go after them and only the Tories can fix that—that's the language they use all the time. To hear them, there's never any substance that comes out of their mouths except: "The status quo is bad. We gotta change it. We gotta fix the problem."

Interjection.

Mr Marchese: Mr Turnbull, it's so good to see you here, whining like a little puppy.

Mr Turnbull: the non-government government that came to fix things, finding themselves in government and finding, much to my chagrin and to the chagrin of many like Walkerton, that they ain't fixing nothing. They are in fact destroying our human health. They have so decimated the ministry, Monsieur Turnbull, decapitated the Ministry of the Environment to the extent that there are no heads or brains to monitor our water quality. But they, ministers and others, say: "It doesn't matter that we have decapitated the head of the Ministry of the Environment. We haven't affected quality," because quality is their buzzword.

Do they think the public has gone completely nuts? Do they think the public is completely asleep at the wheel? In Walkerton they woke up, pretty much, and they're now worried about basics—water. While they're so busy deregulating, downsizing responsibilities to the other level, busy privatizing so they can give their rich buddies a few more dollars—"privatize" means they are abandoning their responsibility of tutelage as a government to the public.

They are abandoning their responsibility to safeguard basic things for the sake of the neo-con revolution: downsizing, privatizing, downloading, all for the sake of helping out a few of their buddies to become wealthy at our expense. The tax cut? It's at my expense; it's at your expense. You think the tax cut made you feel good by getting a few bucks that you may or may not have noticed? Six billion bucks goes out every year to make

you feel good, at what cost? At one basic cost we've seen in Walkerton: water. Is \$6 billion going out of income tax that you haven't seen worth the decapitation of the Ministry of the Environment to the extent that we have nobody there at the wheel, no brain there to protect us? I don't think it's worth it. That's what we got, though.

We've got a government that is so concerned about law and order that they have introduced a number of measures, a number of bills—the bill that dealt with the squeeze kids, those poor kids squeezing the windshields of the cars, making a few bucks. They are so concerned about law and order that they presented a bill saying: "Uh, uh. Society is going to the dogs. We've got to pass a bill to deal with those squeeze kids."

The Parental Responsibility Act: Six lawyers, I think there are, on that side of the bench introducing a bill to make it easier for people to sue other people who may have committed damage to property. I said that we have a bill in place already that is tougher than the one they have introduced, but to hear their lawyers say it, you'd think they have just found the light and introduced a tough law-and-order bill.

Then we have the code of conduct, Bill 81, introduced as if they just discovered the light on the issue of discipline problems in the schools. But they didn't. We have policies in place that deal with problems in our schools, but they introduced Bill 81 as if it were something new. It's a law-and-order bill.

I tell you, Speaker, the politics of how cunning these people are. When the minister introduced this two months ago, she achieved her goal already. She doesn't have to explain or define what's contained in this bill and we don't have to go into the contents of this bill, because what is in this bill is already in place. But she achieved the politics of Conservative law-and-order ideology by saying, "We're going to go after the bullies in the schools. We're going to go after bad behaviour once and for all," as if we didn't do it before.

To tell you how successful they have been, the next day a constituent of mine comes and says: "Marchese, did you hear what the government is doing? Finally they're going after the kids in the schools who have behavioural problems or who are really disruptive in the school system." The minister had achieved her goal. They're finally going after the law and order in the classroom, because we didn't have law and order before. They bring us out of the Middle Ages all the way to the 21st century with Bill 81. They're good, they're very good.

That day when she made the announcement, and she made it mandatory at the time to do the pledge of allegiance, I was a bit sickened by that. I'll tell you why.

Interjection.

Mr Marchese: I know, Monsieur Turnbull. I was, yes. And do you know what, David Turnbull? I thought, why would these fine Tories make it mandatory to do a pledge of allegiance to the Queen? It made me feel, as an immigrant of Italian Canadian heritage, that I perhaps was not a good Canadian, that I, as an Italian Canadian, must

be a terrible immigrant who somehow hasn't internalized Canadian culture very well, that I must still be something other than a Canadian.

1900

Mr Rupert Ruprecht (Davenport): You're stretching it now.

Hon David Turnbull (Minister of Transportation): You really are.

Mr Marchese: Oh, I know, David Turnbull. I really am. Because I asked myself, why would you put it in such a way as to make it appear that it's the immigrants who have a problem?

Hon Mr Turnbull: You wouldn't know the truth if you fell over it, Marchese.

Mr Marchese: Mr Turnbull and I are having a good discussion. Please don't interrupt us; we're doing well. He says I wouldn't know the truth if I tripped over it, or fell over it. They are the bearers of light and lucidity and enlightenment. They are the bearers of truth. But this truth being exposed so beautifully in Walkerton is just the beginning, because they have managed to deal with issues of veracity—

Hon Mr Turnbull: You are disgusting, making a connection like that. You're disgusting.

Mr Marchese: I know, David. I know.

Hon Mr Turnbull: That you are playing politics—

The Acting Speaker (Mr Michael A. Brown): Order. The Minister of Transportation will come to order.

Mr Marchese: Mr Turnbull is so unhappy with me. Let me find out where he's from; I always forget.

The Acting Speaker: Order. We do not use people's names in here. We refer to them by their position.

Mr Marchese: Don Valley West. I was looking it up. The member for Don Valley West is so unhappy with me because I am making inference from the announcement the minister made a couple of months ago that would have made it mandatory for every immigrant to take the oath of allegiance, as if we are not good Canadians. So he says I am drawing an improper inference from their intent and desire to have all the new immigrants do an oath of allegiance to the Queen. Why on earth would we do that as Canadians? I draw an inference that somehow he, the member from Don Valley, and his caucus are saying immigrants are not good citizens and they need to take the oath to become good citizens.

Hon Mr Turnbull: A point of order, Mr Speaker.

Mr Marchese: Sit down. There's no point of order.

The Acting Speaker: The Minister of Transportation.

Hon Mr Turnbull: I believe there has to be some factual basis in the statements, but apparently—

The Acting Speaker: Thank you. That's not a point of order.

Mr Marchese: "I believe there has to be some factual statement." You, the good public, you make your own conclusions. I am critiquing it.

Hon Mr Turnbull: They did it in the last election and they kicked you guys out.

Mr Marchese: I know, member from Don Valley, they kicked us out, and they're going to kick you out too eventually. It's just a question of time.

Interjection.

The Acting Speaker: Minister of Transportation, one more time.

The member for Davenport on a point of order.

Mr Ruprecht: Mr Speaker, I've listened carefully, and I think while the member is speaking there should be some respect restored here in this chamber. It falls upon you to do that somehow.

The Acting Speaker: I appreciate that, and I'm working very hard at it.

Member for Trinity-Spadina.

Mr Marchese: Member from Don Valley, please, I like the discussion, angry or not. Through you, Speaker, always. I've got my eye on you, and my good eye on the public, not David. I see him anyway, but I've got my eye on the public. To the member from Don Valley, contained in this bill is this line: "Explain why it is essential in a democracy for governments to be open and accountable to all the citizens." It's in there. Through you, Speaker, to the member from Don Valley, how are teachers going to teach that? I'll read it again: "Explain why it is essential in a democracy for governments to be open and accountable to their citizens." Hah. How are teachers going to teach that when they are in their classrooms, having been whacked by Bill 74 that forces on them working conditions that they cannot fight back against, increases their workload, forces them to do voluntary activity mandatorily, takes the power completely from trustees, who are no longer accountable to the public but to the Minister of Education? How will teachers teach that, when they have been clamouring for public hearings so they can have their say and make them accountable? "Explain why it is essential in a democracy for governments to be open and accountable."

Please. It's perverse, don't you find? Good citizens of Ontario, it is perverse, don't you find? Teachers find it perverse, I, as a citizen, find it perverse, and I know most of you find it perverse. I say to you, don't give up. As a New Democrat, often I feel disenchanted and disillusioned to the extent that there are times when I say, "Why am I here?" The very people we support end up voting for the Tories and the Liberals, so I say to myself, why am I here and for whom do I fight? But if we all did that, participatory democracy would end. If those of us who have a voice for a better democracy, for a more active citizenry to fight back against the abuses of government, weren't there, it would be worse.

So I say to the public and to that person I met today and to so many who are throwing up their hands thinking, "What do we do? They're not listening," you just keep at it. Force them to be accountable. Go to their constituency offices and meet with them face to face. They cannot deny you that meeting. If they do, they're not only not Tories, not only not Reform, but some other form of sub-human, because good Reform Party members say they want to be accountable to the public.

If you're having a hard time making them accountable to you, go to the newspapers. Even though 60% of those newspapers are owned by Monsieur Conrad Black, a good buddy of Tom Long, do your best to convince them that you are their public and that your views have to be expressed in their papers, in spite of Tom Long and Conrad Black. With 60% of all the newspapers owned by Conrad Black, we New Democrats are on our own, and if we get elected it's because of the hard work and the commitment of our members.

Laughter.

Mr Marchese: The member for Don Valley has a hearty laugh. Did you hear him? A very hearty laugh. The poor guy doesn't have to do much to get much attention from his newspapers. He doesn't have a hard time having a fundraising party and earning \$4 million to \$6 million in one evening. Tom Long, their buddy—

Interjection.

Mr Marchese: Madam Mushinski's buddy as well. Tom Long was able to raise three million bucks in a couple of days—three million bucks in a couple of days. And you know what? He's running on the basis of greater tax cuts. Ha. We haven't had enough damage to our society that he's going to demand more tax cuts nationally? They took six billion bucks away from us to this point; it'll be seven billion by the end of this term. And it's not enough. Tom Long wants more. And Tom Long wants more deregulation and more privatization and more downloading. Same again does Mikey—uh, Monsieur Harris, the Premier of Ontario. That's the agenda that Tom Long is fighting for.

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I want to tell you what Thatcher, an admirer of theirs, and vice-versa, once said in a speech: "It's our job to glory in inequality and see that talents and abilities are given vent and expression for the benefit of us all." Ha. In other words, don't worry about those who might be left behind in the competitive struggle; people are unequal by nature. But this is good, because the contributions of the well-born, the best-educated, the toughest, will eventually benefit everyone, including those who are left out. This is the agenda of Mike Harris, the Premier, and the fine disciples, and Monsieur Long. Here are the effects of the Thatcher tax cuts that they're proposing.

In Thatcher's Britain—Madam Mushinski, you will know this. I will illustrate the result of the Thatcher-Major tax reforms with a single example. During the 1980s, 1% of taxpayers received 29% of all the tax reduction benefits, such that a single person earning half the average salary found his or her taxes had gone up by 7%, whereas a single person earning 10 times the average salary got a reduction of 21%. To benefit us all, Speaker, including you and me and the good citizens of Ontario and those who are left out, a British example.

Mr Ted Chudleigh (Halton): On a point of order, Mr Speaker: I don't think Margaret Thatcher had much to do with Bill 81. I wonder if we could stick to the subject.

The Acting Speaker: I'm sure it will all be tied together.

Mr Marchese: I irritate them a little bit, I know. But it's all connected. It is. Lest you thought I had forgotten Ronald Reagan, let me illustrate this point with the observation of Kevin Phillips, a Republican analyst and former aide to President Nixon, who published a book in 1990 called *The Politics of Rich and Poor*. He charted the way Reagan's neo-Liberal doctrine and policies had changed American income distribution between 1977 and 1988. These policies were largely elaborated by the conservative Heritage Foundation—a think-tank?—the principal think-tank of the Reagan administration and still an important force in American politics. Over the decade of the 1980s, the top 10% of American families increased their average family income by 16%, the top 5% increased theirs by 23%, but the extremely lucky top 1% of American families could thank Reagan for a 50% increase. Their revenues went from an affluent US\$270,000 to a heady US\$405,000. As for poor Americans, the bottom 80% all lost something. True to the rule, the lower they were on the scale, the more they lost. The bottom 10% of Americans reached the nadir. According to Phillips's figures, they lost 15% of their already poor low incomes.

I cite these examples, bringing the connection to all these things that Harris is doing. Law and order: I illustrated some examples of how tough they are, including the code of conduct—tough on the squeegee kids, tough on welfare recipients, tough on the teachers, that kind of stuff. Also, the deregulation policy, downloading policy and privatization policy, and the tax cuts and how those tax cuts affect the very wealthy while taking money out of the system, from the environment, from housing, from health, from education, to impoverish us all, those tax cuts at the expense of all those things we value as Canadians. How do you like it so far, Ontarians?

I tell you, Walkerton is only the beginning. There is more to come, because the consequences of bills have a nasty habit of enduring for a while. It's suspended for a while. Sometimes it takes a year, sometimes two, sometimes three, but eventually the fallout does come. Speaker, I say to you and to the good citizens of Ontario, in the next economic downturn, when there is no money in the kitty, when it's all gone to the very wealthy and nothing is coming in, where do you think they will go for the extra dollars they need to maintain the little they have left? They're going to go after environment again; there's a little left. They're going to go after health, education, and our social services that help our seniors, our people with disabilities, people who are abused. Where else can they go to get money? I say, pity the public. I have a great deal of sorrow for the general public, because the effects of their bills are coming.

The code of conduct: Nothing new in this bill that we don't already have, repackaged to make it appear like they're tough on law and order and that, all of a sudden, those kids who are unruly in the schools will be punished and the problem will disappear, because now we will suspend them because we have given the power to teachers to suspend.

Originally teachers and principals, two months ago, were given the power to suspend and to expel. They changed it because they learned from the public, and some of the teachers were really nervous, so they changed it a little bit, responding to the furor out there. They said, "After five years of beating up on teachers, we're going to give you a little power that you have been wanting for some time." What power have teachers been asking for? Name me a teacher who said, "Give me the power to expel or to suspend." What teacher is going to suspend in a moment of absolute sensitivity, in a moment of incredible fragility where someone is really angry—a student causes a particular problem in the classroom, the teacher is angry and says: "I've got the power to suspend. Off you go"?

I'm not looking forward to that, and I don't think a lot of teachers are looking forward to using that power. They never asked for that power. They don't want the power because they're afraid to use it. Originally there was going to be no appeal process, and now they've added a line saying, "The boards must come up with an appeal process." But even so, teachers are going to be very scared to use that ability to suspend, because they'll be afraid of lawsuits. I would be afraid, if I were them. Under the guise of giving teachers something to be able to fight a problem in a school, you say, "We're going to give you the power to suspend."

One doctor, who has since died, about two weeks ago, I say with some sadness, Dr Paul Steinhauer—I read in an obituary just a couple of weeks ago he died—said, "A tough new zero-tolerance policy on violence would only dump problem students on to the street to hit rock bottom." He also added, "Even the province's plans for so-called boot camp schools for expelled students would just create breeding grounds for bad behaviour." An expert, Dr Steinhauer; not a Tory backbencher or one of those people sitting in the stalls of the Premier's office. He said, "All these government cutbacks to schools and social services are causing a significant increase in the number of kids behaving in a negative and disruptive manner."

Think of it. They cause the problem by cutting services that young people need, that communities need, and then they say, "The answer to that problem is to give the power to the teacher to expel that student." Think of it. Isn't it dumb? Good citizens of Ontario, isn't it nuts? But that's what we have. This is the kind of government we have in power. Instead of giving us creative solutions to bad behaviour so that teachers have the tools to help young people to change and modify their behaviour, instead of giving them the tools they need, they're giving them the power to expel the student so that the problem magically goes away.

This is a stupid, stupid, stupid bill. All I'm trying to do is expose the bill for what it is. All I can hope is that if you believe us over what this government is doing, you will hold them accountable, as indeed I believe is your duty to do. If, on the other hand, you believe that what they're doing is right, then don't bother to see them.

Don't bother to call them. Don't worry about democracy. Don't worry about democratic participation. Just sit home and enjoy it as long as it lasts. It won't last long, but you enjoy it if you can.

But if you disagree, I urge you to make democracy work by holding all governments accountable—not just Tories or Liberals or NDP—whoever it is. That's the power you have, and I hope you use that power in order to achieve a greater and a better democracy in this country.

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The Acting Speaker: Questions or comments?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am certainly pleased to respond to the member from Trinity-Spadina's comments in the debate tonight. The member, as always, has a certain flair, a certain point of view that he likes to express.

There are two areas that I'd like to focus on. He says Bill 81 is not new and that it's repackaged. That's not entirely true, but I would say that there have been inconsistencies across the province with respect to standards of behaviour. What we're trying to implement here is a provincial code of conduct to deal with serious infractions. The code would make an expulsion hearing automatic for students who bring weapons on to school property, provide drugs or alcohol to others, commit physical or sexual assault or robbery, and use or threaten serious harm with a weapon. Suspension would be a minimum penalty for possessing illegal drugs or alcohol, threatening or swearing at a teacher, vandalism and uttering threats to harm.

These are provincial standards. These are serious infractions. We indicated, when we were running, that it was something we were going to bring in. We've kept our word. Teachers want an environment they can teach in, students want an environment in which to learn, and I certainly believe we have to work in conjunction with school boards to make sure that happens.

I just want to comment on the member's comments with respect to the singing of "O Canada" as part of daily opening or closing exercises. Also the schools may, at the discretion of their school councils, include daily recitation of a pledge of citizenship. I want to bring to light where that came from originally. Every immigrant must say the pledge aloud as a final step in becoming a Canadian citizen. The oath was created by the government of Pierre Trudeau in 1976 and became a fixture in citizenship courts a year later. That's where it came from, and it's an honourable approach to citizenship.

Mr Ruprecht: I listened very carefully to the comments that were made by the member from Trinity-Spadina. While he occasionally stretches it, he does make some very good points. One of the major points that we would agree with, certainly, is his idea that those students with behavioural problems need a special program, need to be looked at. They need some programs that you cannot cut. What this government has done is cut those essential programs which would have directly affected the behaviour of these students.

That's not in this bill. This bill seems to me to be going with a hammer over a nut. So what you need to do is look at the specifics again. When you start cutting, especially in terms of English as a second language, as an example, you're affecting a whole generation of kids. Unfortunately, this is what this government has done: cut English as a second language, and then cut programs and cut the monies for international languages. That has other, severe consequences. On the one hand, we're saying to those new Canadians: "Please come to Ontario. We're going to help you." Even the kids who come from other countries who do not speak English well need some programs in the inner city to help them out, to help them over this hump and over this barrier. They need help. To cut these programs has consequences.

One of the major consequences will be that the integration of immigrants into Canadian life, into the economy of Ontario, is going to be postponed or prolonged, and that cannot be. Look at Bill 81.

Ms Shelley Martel (Nickel Belt): It's always a pleasure to listen to my colleague from Trinity-Spadina when he's speaking in this Legislature. There were a couple of points that I would like to pick up on, but one in particular, which has to do with the full expulsion of students.

He talked about Dr Steinhauer, who just wondered what good we would be doing for any of the students when we throw them out of the school and out of all schools in Ontario. We're not doing anything to modify their behaviour or get at the root of the problem. One thing that disturbs me greatly about the bill that's before us is that the pupil who is subject to a full expulsion is not entitled to attend any school in the province or to engage in school-related activities of any school in the province until he or she meets such requirements as may be established by regulation for returning to the school after being expelled.

Of course, because we don't have the regulations before us, none of us has any idea of what those requirements are which that student has to meet. But I wonder about the government's direction when they think the best way to deal with a student who is in trouble and who is causing trouble is to throw them out of all schools in Ontario and hope somehow the problem is going to go away. Do you really think that not allowing the student to get behaviour modification, to get some programming, to have to work with guidance counsellors, to have to work with other students, to have to work with teachers, is going to work? Do you think it's much better to have them out on the street, where nothing is going to happen to improve their behaviour?

I look at what the minister may do in terms of programming. Of course the minister may require boards to establish and maintain specialized programs, and the minister may establish one or more programs for these students, but it doesn't say who's going to pay. This is the same government that has engaged in the last five years in a cutting exercise with respect to education. We've got so many boards now which aren't offering the

special ed they should be, don't have the guidance counsellors they need, and now the minister is going to tell boards that they're going to put in programs. Who's going to pay?

Mr Chudleigh: The member from Trinity-Spadina opened his comments with a plea that there was a lack of time for discussion on Bill 81. He said there was no time for debate, and then of course he proceeded to talk about Bill 74 for a considerable period of his debate. It begins to ring a little hollow. When he got to Margaret Thatcher—I'm not sure what Margaret Thatcher had to do with Bill 74 or Bill 81—I thought he'd gone a little too far and I suggested to you, Mr Speaker, that perhaps he could get back to the bill. He proceeded not to go back to the bill but to go to Ronald Reagan. Ronald Reagan has never heard of Bill 81, and although he was a marvellous President, he has probably still not heard of Bill 81.

What we were subjected to this evening was little more than an NDP rant, a rant on socialism, which between 1990 and 1995 plunged this province into the depths of a depression. It drove industry out of this province. It created unemployment at unprecedented levels. It took the economic engine of Canada and turned it into the caboose. The tax cuts this government has implemented, the job creations—we've created over 700,000 new jobs. Best of all, 500,000 people are off the welfare rolls and back at work, with self-respect and redeemed.

An NDP rant is a sad thing to listen to when we have the recent experience of what happened to this province. I'm very pleased to rectify the record and to remind the people of Ontario that Ontario is back. We are now the economic engine of this country.

The Acting Speaker: In response, the member for Trinity-Spadina.

Mr Marchese: I heard Reagan and Thatcher in those comments. Didn't you? I thank my friends and foes for their remarks. It was useful. My duty is to expose mendacity wherever it crawls into and bring it out into the light. That's my duty.

On Bill 81, I close by saying the following: Safe school policies ought to include prevention, intervention and mediation initiatives. This bill has none of that.

Further, the punitive approach will not accomplish anything, because prevention is necessary. Families, communities and schools need support in the form of the following: early childhood learning, children's mental health services, resources for schools, community recreation available without fees, proper nutrition programs, a sufficient number of teachers to be able to deal with discipline problems, trusted school staff and psychological and special-needs professional expertise available.

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That's what we need to deal with the problems we are facing, and we are getting none of that. The outstanding issue of where to place students who offend remains a challenge, with the government funding model making

no provision for that. Society is not served well by expelling students to the Eaton Centre, not served well at all, although we have that policy in place when it needs to be applied, and we don't need a new bill. Rather than the reiterating support for a code of conduct, Ontario students would be better served with the Ministry of Education actually delivering the long-awaited, province-wide safe school policy they undertook 18 months ago. That's what we don't have, and that's what we need. That's what I urge the public to demand of this government.

The Acting Speaker: Further debate.

Ms Marilyn Mushinski (Scarborough Centre): I'll be sharing my time this evening with the member from Cambridge. Before I address my comments to Bill 81, I have not had the opportunity to address this House since the Walkerton tragedy. I join with my colleagues in expressing my deepest sympathy and condolences to the people of Walkerton and especially to the families who have lost loved ones.

I'm very pleased to join the debate on Bill 81, which is an Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act. The short title of this act is the Safe Schools Act, 2000. I'm particularly pleased to stand in support of this act because the concept of the Safe Schools Act was first introduced as a private member's bill by my great colleague Dan Newman.

Before amalgamation in the city of Toronto, Scarborough had one of the best codes of behaviour in Ontario. This included a zero tolerance policy for weapons and violence offences. I can tell you from experience, as a member of Scarborough council who worked closely with the Scarborough school board to assist and co-operate in the implementation of the zero tolerance policy, that the Scarborough model worked. Instances of violence were on the decline, and students were feeling safer. I believe it's time to bring that success story to the province as a whole. The students, the parents and the teachers deserve nothing less. It's time to bring success to all kids in Ontario. I believe students have the right to feel safe and feel comfortable in their learning environment. I'm sure that is something everyone in this House believes as well.

Turning to the legislation under Bill 81, the legislation was tabled by the education minister, the Honourable Janet Ecker, and will provide for the province-wide code and related safe schools initiatives to be phased in over the next year and a half, beginning this September. The province-wide code of conduct for Ontario schools is a key step in a series of government-driven initiatives to make our schools safer, more respectful environments for learning and teaching. These measures fulfill the government's commitment to make Ontario schools safer by promoting respect, promoting responsibility and promoting civility by setting clear and consistent province-wide standards of behaviour for everyone involved in Ontario's publicly funded education system, and by mak-

ing suspensions and expulsions mandatory for serious infractions.

Students, teachers and parents want their schools to be safe, respectful environments for learning and teaching. When the rules are clear to everyone, students can concentrate on learning and teachers on teaching. Legislation was developed and introduced following wide ministry consultations with key education partners on specific operational aspects of the code.

We hear a lot of rhetoric on both the Liberal and NDP sides about participatory democracy. I think it's important to reiterate that there was wide ministry consultation with the key stakeholders, the key partners who are going to be involved in the operational aspects of this code to make our schools safer. I don't think anyone on that side of the House can argue that, based on all of the incidents we've seen across this continent, we need to be strong in our statements and our actions to bring about safe schools.

If passed, the legislation would allow the minister to issue a provincial code of conduct as policy. It would set mandatory consequences in legislation and would require school boards to develop policies and set consequences for less serious infractions, such as wearing hats and throwing snowballs.

The act will give both boards and principals the authority to expel students, and both principals and teachers the authority to suspend students. Currently, under the Education Act only principals can suspend students and only boards can expel students following an expulsion hearing. Extending this authority would help to minimize the effects of seriously disruptive or violent students in our schools.

If passed, the legislation will limit mandatory suspensions by teachers to one full school day, including all school-related activities for that day. A suspension that warrants more than a day would be referred to the school principal. It would also allow principals to continue to suspend students for up to 20 days. Suspensions lasting two to 20 days will continue to be open to review or appeal. One-day suspensions will not be open to review or appeal.

It would limit mandatory expulsions by principals from their school to not more than one year. The principal must first suspend a student, inform parents or guardians and proceed to an expulsion inquiry. A principal may refer a student to the board for an expulsion hearing and a board expulsion will apply to all schools in the board. It would set mandatory requirements for students expelled by a board to re-enter the regular school program. This could include, for example, participation in a strict discipline or equivalent program. It would give parents and guardians the right to appeal the decision of a board or a principal to expel a student. Currently there is no appeal process for expulsions.

Turning to programs for expelled and suspended students, the bill will allow for the establishment of strict discipline schooling, programs beginning this fall, to help students who've been expelled to turn their lives around

and re-enter the regular school system. It would give the minister the authority to require that all school boards have in place programs or other supports for suspended students.

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It would give a majority of parents at any school in Ontario the authority to have a dress code or require a uniform for their children. Guidelines outlining the voting process to be followed will be released by the ministry to boards this summer. It would include the singing of O Canada and may include the recitation of a pledge of citizenship to instill pride and respect. As an immigrant who has taken a citizenship pledge of allegiance, I'm particularly proud to be an immigrant and to have taken that pledge and to be a Canadian. Exemption provisions and details on the pledge of citizenship will be set out in regulation.

It would allow for the collection of personal information, such as criminal background checks, to ensure the safety of students and that everyone working in schools can be trusted. It would also require school boards and their schools to involve school councils when developing or revising their codes of conduct and safe school policies.

Speaking of participatory democracy, I recently held a community council meeting in my riding of Scarborough Centre where the topic of education was discussed. I want to assure all in this House that all of those people who were invited to attend, and it was completely open to all constituents in my riding, were strongly supportive of our new initiatives to bring about safer schools in Ontario.

I'll now turn it over to my colleague from Cambridge.

Mr Gerry Martiniuk (Cambridge): I compliment my good friend the member from Scarborough Centre for her presentation in regard to Bill 81.

I had the good fortune to be a member of the Ontario Crime Control Commission, along with my good friend Jim Brown, the former member for Scarborough West, and Bob Wood, the present member for London South. In May 1998 we issued our first report, which had been over a year in the making, on youth crime. One of the four recommendations dealt with a Safe Schools Act and, if I may, I'll take the opportunity to read the executive summary. I won't read it in total.

"The commission recommends that the government develop a Safe Schools Act as a foundation for safe and appropriate behaviour in all of Ontario's schools. This act would give teachers and administrators the tools they need to deal effectively and quickly with inappropriate acts....

"The Safe Schools Act would include a standardized policy of zero tolerance for violent or disorderly behaviour for all Ontario schools; short-term placement centres for disorderly students; school response teams to recognize, manage and resolve conflict; tough and escalating sanctions for violence, sexual assault, weapons offences and verbal abuse—from detention to placement centres to expulsion."

We came to this recommendation because we had gone to the people and travelled this province to obtain their opinions, their concerns. To date, we have visited over 70 localities in the province, in which we were able to discuss the concerns of the Ontario public. To May 1998 we had a number of consultations and we visited, starting in July 1997, Chatham; August 28, 1997, Barrie; September 8, 1997, Etobicoke; September 23, 1997, Peterborough; September 29, 1997, we had an Ottawa youth forum; September 30, 1997, we met in Whitby; January 15, 1998, in Port Colborne; January 29, 1998, in Oakville; February 17, 1998, in Hamilton; March 10, 1998, in Cambridge; March 19, 1998, in Burlington; March 26, 1998, in Bracebridge; April 2, 1998, in Newmarket; April 8, 1998, in York Mills, in the city of Toronto; April 9, 1998, in Belmont; April 14, 1998, in Toronto, in the High Park-Parkdale riding; April 15, 1998, in Hamilton again; May 5, 1998, in Toronto, in the Etobicoke-Rexdale riding; May 14, 1998, in Bramalea; and May 19, 1998, in Kitchener.

In addition to hearing from all Ontarians at all of those sites, we did receive written submissions from the Canadian Police Association; from the Ministry of Community and Social Services; from Parent Watch of Oakville; from the Canadian Centre for Justice Statistics; from the Burlington Lions Club; from CAVEAT; from the Canadian Mental Health Association, Ontario division; from Halton Women's Place; from the Ontario Association of Children's Aid Societies; from the Community Safety and Crime Prevention Council of Waterloo Region; from the Earlscourt Child and Family Centre; from the students of Lakeshore Catholic High School, Port Colborne; HARP Security; the Family Crisis Shelter in Cambridge; the Winchester Park Residents' Association, Toronto; from the town of Gravenhurst; and from Waterloo Region Neighbourhood Watch.

Not from all of them, but a theme we heard in all of our travels, in concluding that we required a Safe Schools Act, were simply the following two matters. Number one, there was a uniform concern throughout this province—and it wasn't just centred in the city of Toronto; we heard the same sentiment throughout, including my riding of Cambridge—that both students and parents were concerned about their safety in schools in the province of Ontario. That sentiment was there, and I found it somewhat surprising in many ways, because of the uniformity across this province. We felt we must address that concern.

The second major concern we heard was simply that there was a great deal of confusion as to what was expected of our children in their schools. There was no uniformity across this province. You know, we expect our adults to behave in certain manners and we have a uniform code of conduct, called the Criminal Code, right across this great country, a code that is publicized and that everyone is aware of—if not aware of all the technical aspects of it, they definitely are aware of the broad general scope of what we, as Canadians, expect as a code of conduct across this great country.

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Yet in the province of Ontario we did not show, up to that date, the same courtesy to our children, which was somewhat of a concern. For instance, children just moving from one jurisdiction to another would be dealt with in a manner that was different from one school jurisdiction to another. So we felt, as a commission, that it was necessary to have a uniform code of conduct across the province to ensure that no child and student would be ignorant of the law, to ensure that if any penalties had to be imposed as a result of a breaking of one of these codes of conduct, the student was aware in advance—and as a country that lives under the rule of law, that is most important, that everyone be aware of what is expected of them.

On that basis, that recommendation was made. I know I can speak on behalf of my co-commissioners that we feel a great deal of satisfaction that the government accepted our recommendation, because the proposed act deals directly with what the people have been telling us they want for their schools. We have heard the concerns over and over about behaviour, about discipline, especially about safety in our schools.

The Acting Speaker: Questions or comments?

Mr Dave Levac (Brant): I have a problem: Where do I begin? I'll tell you one thing I want to start from, and that's the word "love." The members on that side have never used the word "love" once in this debate. These guys are stuck in a myopic view of what children are. The fact that children and love have never been put together by this government is so frustrating, it's very difficult for me to continue. But what I will tell you for sure, I want to tell the member opposite, you did a really good job of simply reading the bill—no debate, just read the bill and tell us how you're going to be tough on those violent children, how you're going to make those principals expel those students, how you're going to make those teachers suspend those students. Never once have I heard the members on the other side talk about kids using the word "love."

Fortunately, the teachers are able to rise above all that garbage and turn around and say, "We love our children." We're going to make sure this is going to stay put in our system, regardless of whether or not the members on the other side are capable of saying the words "love" and "children" at the same time. Unfortunately, with this myopic view, what we're hearing now is nothing but repeated, regurgitated facts that already existed in the school system since I've been involved in education, for over 21 years.

I have never ever allowed a student with a weapon to show up in my school, and if he did, he was gone. That was automatic; everybody knows that. We're not supposed to allow that to happen. Talk about the inconsistency. What they didn't realize and what they don't know is that communities work together as a full team. Each community, each school, acted as a team. Now what you've done is torn them apart and made them claw

at each other, just like you're doing with every piece of legislation you've put on the books since 1995.

Ms Martel: When we listen to the Conservatives, they would have us believe that the first person who ever talked about violence in our schools and how to deal with it was the current Minister of the Environment. I mean, where have they been? For goodness' sake, in 1994 our government required that all boards develop a code of behaviour, and school boards did do that. We released at that time, in 1994, a violence-free schools policy that had been developed after intensive consultations with 3,000 people participating in over 18 community summits, all people who were worried about violence and how to deal with it. The insinuation that somehow the current Minister of the Environment was the first one to put out something, through a private member's bill, about dealing with violence in our schools is just ridiculous. I don't know where the member's been for the last six years if she would assume that was the first time anything was done.

The second thing is that it is ridiculous to suggest that this bill has anything new in it, is some kind of new initiative or presents new ideas with respect to codes of behaviour. Goodness, school boards right across this province for years have had codes of behaviour, have had guidelines and policies in place dealing with the conduct of persons in their schools, have had policies and guidelines in place dealing with discipline of students, have had policies and guidelines in place regarding promoting the safety of pupils, guidelines and policies in place regarding access to school premises, regarding appropriate dress for students in schools, regarding reviews or appeals of decisions to suspend students or have expulsion of students. All of those things have been in schools for many, many years now. All of those things have been across boards for many, many years now. There's nothing new with what the government presents.

Maybe the government should stand here today and tell the people why they have cut so many programs that would have allowed schools and school boards to implement some of these programs. That's what the government should do.

The Acting Speaker: Thank you. The member for Brampton—for Barrie. I'm sorry, Barrie-Bradford-Simcoe, Barrie-Simcoe-Bradford. I'm sorry.

Mr Tascona: Thank you, Mr Speaker. I think I lost 10 seconds of my time there, but thank you.

I'm pleased to join in the debate. The members from Cambridge and also from Scarborough certainly put forth their views with respect to why a code of conduct is necessary from a provincial level. There were strong arguments being made by the member from Brant about local responsibility and the member from Nickel Belt about having a violence-free policy and that this isn't necessarily a new initiative.

The bottom line is that there needs to be consistency across the province, there needs to be provincial standards, and it is an issue out there. Whether they like it or not, it's an issue out there that the public wants this

government to act on. It's nice and easy for them to say, "Let's leave it at the local level, because we want it to be local at this time." But the fact of the matter is, there have been local initiatives but they're not working the way the public wants them to work.

Every student in this province requires to learn properly, and that's their right, to have a safe learning environment. The member from Brant likes to speak about love. I imagine the students are well loved by their parents, and certainly there's a certain amount of respect throughout the system with respect to parents, principals and teachers, mutual respect. That's what we're talking about here. How do we accomplish that? I think there's consensus in this room that we want a safe environment to learn, for teachers to have a safe environment in which to teach and where they're respected. That's all we're talking about here. This is a mechanism to make it happen. This government is showing provincial leadership, and that's where it should be in this issue.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I just wonder why we ever tabled this bill, Bill 81. The local school boards, especially in the rural areas, already have a code of conduct. I'm looking at this one here from my own riding, the Rockland District High School. There was a code of conduct, developed with the OPP and also according to the requirements of the Minister of Education and Training, called "Violence-Free Schools Policy," which was established in 1994. Are we trying to destroy whatever is in place already?

I could tell you that at the present time, if this government were to decide to invest funding for the needs of our schools in the rural area—we have problems all over Ontario, but there's a lack of funding. We don't have the funding in place. Is the solution to suspend the student? I believe it's not. We need the funding for the special education that is needed. Even though in the budget we have said we have \$140 million in the budget of this year, \$70 million was already used in the past, and of the remaining \$70 million, we don't know where it's going to go.

The solution was not to come up with Bill 81, because a code of conduct does exist in rural schools. If the minister has problems in her own riding, she should have met with the school board there and met with the teachers. I'm sure this would have been a lot more valuable for the students of that riding.

2000

The Acting Speaker: Responses?

Ms Mushinski: I heard a lot of interesting responses, from the honourable member from Brant—I believe you're from Brant?

Mr Steve Peters (Elgin-Middlesex-London): Read your map.

Ms Mushinski: I've served on committee with him and I know he's a very compassionate individual and certainly does understand very much about what the interpretation of love is.

Having said that, I'm tempted to quote a couple of people who have responded to our code of conduct,

people like the gentleman who spoke in the Kitchener-Waterloo Record. Every parent who reads the daily news and says a little prayer for the kids in today's schools should welcome the code of conduct the Conservatives plan to make law. "A code of conduct is one reasonable measure to take in response. Most school boards already have strong policies on violence. The strength of the new code is that it would establish clarity and consistency across Canada." "This doesn't just sound like good sense. It sounds like justice." That came from the Kitchener-Waterloo Record on March 23.

I quote a veteran school trustee from Sudbury as having said that educators are waiting for clarification of "tough love" code of discipline. An English public board veteran trustee says, "I've had experiences with teachers who have had not only swear words but things thrown at them who try to be kind and gentle by not doing anything about it."

This is going to do something about it.

The Speaker (Hon Gary Carr): Further debate.

Mr Dwight Duncan (Windsor-St Clair): I will be sharing my time this evening with my colleague from London-Middlesex.

I propose, in the 10 minutes I have allotted to me, to respond to the bill; address it in the context of the crime commission, which was raised by the member from Cambridge; address it in the context of this government's views on justice issues; and then finally speak for a moment or two about the bill in the context of the government's education agenda.

First of all, this bill proposes a code of conduct that's already in place and has been in place since 1994 in all of our province's schools. When the government first started talking about this, I made a point of attending schools in my riding. I spent a day as a teacher in one elementary school. I spent a day as a principal in a high school, in an area frankly where there have been discipline problems, in a school where there have been significant discipline problems. I met and spent the day with the principal. I reviewed the school's policy, which by the way, in my view, is stronger than the one the government has put forward. I spoke with educators and I spoke with parents. I even attended sessions where they were disciplining a young man in the presence of one of his parents with respect to some infractions he had incurred in the school.

First of all, there are codes of conduct in place. My colleague from Sudbury has indicated that the previous government had made some very substantive moves in this whole area as far back as 1994. The government has cut funding for some very important programs. The Harris government has cut \$1.6 billion out of their portion of education funding. For example, Etobicoke schools will lose their daytime security guards next year and the Ottawa school board is reducing their staff of psychologists by half as a result of this government's cuts. So this code of conduct is a smokescreen that's designed to hide the government's cuts to education

because education simply is not as high a priority as tax cuts are for the government.

Dalton McGuinty and the Ontario Liberal Party have proposed alternatives which will be much more effective than this smokescreen. For instance, in our policy documents we outline a Liberal policy for safe school zones and safe school teams and we committed to provide the funding for those. Those zones have been put in place because all of the experts know that most crimes associated with schools don't happen in the schools themselves; they happen on the periphery of schools. The members of the government, of course, conveniently ignore this.

A real safe schools approach means that we punish violence and have a provincial plan to prevent violence in the schools. This government's cut preventative programs to the bone by not including things, as I indicate in the example of Ottawa and other communities, with respect to prevention.

I noted with some interest the comments of the member for Cambridge about what the crime commission did. Members of the public and of this House will remember that one of the crime commissioners, a former member of this House, suggested quite seriously that prostitution was a major problem at the Santa Claus parade in Toronto. I think that puts this bill in the context of this government and of those members. They were a joke across the province. The picture of the three of them in their trench coats—the only question in my riding was, did they have anything on under their trench coats? The short answer is no. They were an embarrassment to this Legislature, an embarrassment to this province, and the fact that one of those commissioners was not returned here in the last election indicates to me very clearly just how seriously they were taken by all. To suggest that crime commission did anything of any substance is an absolute joke and disgrace. Frankly, the members of the government ought to have been embarrassed by the comments of the one commissioner that prostitution is a serious problem at the Santa Claus parade.

I want to address this in the context of this government's justice policy. The government passed a Victims' Bill of Rights some months ago, and the members opposite will also know that the courts are now saying unequivocally that it isn't worth the paper it's written on. It's useless. It's meaningless. It's essentially a fraud, and that's unfortunate. I raise it in the context of this piece of legislation because essentially it's meaningless. It's nothing but a smokescreen by a bunch of people who get used to doing smokescreens, and it isn't until later that we find out in fact that the smokescreen isn't for real.

I can't help but raise this piece of legislation, the code of conduct, in the context of the bill that was raised by the member for Scarborough Centre, Mrs Mushinski, that failed to understand the fundamental principles of our justice system—the separation of the legislative and judicial branches. It is a piece of legislation that speaks volumes about what is wrong over there. That

government and those members passed, on first reading, a bill that's ostensibly designed to give more accountability to justices by a number of measures that have been spoken out against by the bar, by judges, by many members of this House, including members of the government. So this piece of legislation is nothing more than a diversionary tactic to keep people's attention away from what this government's all about.

Finally, I want to address this piece of legislation in the context of the government's broader education policy. We've had a range of legislation from this government on education starting with Bill 104, Bill 160 and, before committee today, Bill 74, and a number of other pieces of legislation, most of which stink.

This government has chosen to make teachers a scapegoat. I want to say to the people who sent me here, and I want to say it clearly and on the public record, that I believe we have the finest educators in the world in this province. I believe what this government has done to teachers is an abomination and I would stand with those teachers any day, whether in my community or anywhere in this province, over standing with that government on its education policies.

Let me be clear: Those policies have been designed to wreak havoc in our schools. In my view, we're going to be faced this fall with absolute calamity because of this government's mismanagement of our education system; their failure to include teachers in education; their failure on all counts, in my view and the view of the people who sent me here, to make sure we have properly-funded, first-rate education system. They have been a complete failure and that's a sad testament. It's a testament now of a government that is beginning to come into focus in the context of the Walkerton tragedy: Cut now, pay later.

How do we deal with meaningful legislation when this kind of nonsense is brought forward?

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Earlier today we had the opportunity to discuss Bill 68, Brian's Law. For the first time in the time I've been here there's been meaningful consultation with the public and with the opposition. I believe that at the end of the day we're going to have better legislation for it because we thought it through carefully. It's not messaging; it's not spin coming out of the Premier's office.

It's unfortunate the government has failed to take into account important issues when it comes to the question of safety in our schools. Instead, they have chosen the path of the right wing in the United States: Whip up a little fear, don't deal with it substantively and try to reap political reward as a result.

There's a better way. Dalton McGuinty and the Ontario Liberals would establish safe school zones that recognize, as I said earlier in my remarks, that most of the crime associated with schools happens outside of the school and off the school property, but within a perimeter close by the school. I know in our neck of the woods, in the schools in my riding, that's where it happens. The discipline inside—everything inside, in my view—is looked after as well as it can be and this bill will do

nothing to improve it. In fact, based on the conversations I've had with educators, it'll set back the cause.

In conclusion, this bill is a failure because it's really meaningless. In the context of the crime commission, it's absolutely laughable, as that so-called crime commission was. In the context of this government's justice policy, they don't have one. They pretend to have one but it really isn't one. The Victims' Bill of Rights has been condemned by the courts, and anybody who knows anything about legal issues will say the same thing.

Finally, in the context of education you have wreaked havoc on our schools. I will stand with the teachers and parents in this province any time before I'll stand with this government on matters of education.

Mr Peters: It's interesting that we're here speaking to Bill 81 this evening. If you look at section 304, it talks about O Canada. I started school in 1968, and from 1968 until 1982, when I graduated, O Canada was part of our daily exercises. It's part of those daily exercises that have existed in this country for many years. Now you're putting it in legislation, mandating something that every school board in this province has been doing.

We need to take Bill 81 in the context of what we've seen come from this government and the direction this government is going in with regard to education in this province, in the context of the constant attack education is under as a result of the initiatives of this government. If you look at the funding dollars—we're open for debate on this and I would gladly allow my colleague the critic for education to speak to this issue—certainly we've witnessed an unprecedented number of dollars taken out of the education system. We've seen a funding formula implemented that is so flawed, a funding formula that has got down to equating students to per-square-foot capacity in a school. It's a shame when you take a student to a square-foot figure.

The Minister of Education is constantly saying that the funding issues are the fault of school boards. She goes on to say that school boards are not spending the money effectively. That is totally false. It's the fault of the Minister of Education. It's the fault of the Harris government. Former Minister of Education John Snobelen said he would create a crisis in education. We have seen that crisis in education, and it's a real shame that we've seen they have done exactly that. Fight after fight has been picked by this government. You talk about codes of conduct. There's no code of conduct that takes into account the attitude this government takes towards education in this province. This government is unprecedented in its love for provoking people.

Quite frankly, the quality of education in this province is seriously deteriorating under this government. Just this week a People for Education report was issued. This is a report that reviewed the level of school resources. Do you know what they found? They found that within the schools they have not seen any improvement. They've seen that many areas have continued on a downward slope in education. We've seen special education waiting

lists go up; we've seen English-as-a-second-language programs go down.

Eighty-five per cent of schools in the province today have a full-time principal. That's a decrease of 10%. You talk about wanting discipline in the school. The individual who is going to do the best job of promoting discipline and a code of conduct in a school is the principal, but because of your silly funding formula we've seen principals taken out of the schools. You've got to accept responsibility for the damage you are doing. One third of school libraries are only open on a part-time basis and only 18% of the schools have a full-time librarian.

Worse, though, is that we've seen an unprecedented brain drain of teachers in this province. Good, quality teachers, who have dedicated 20 and 30 years of their lives to the teaching profession, have had enough of the baloney that's coming out in the initiatives of your government. They've walked out of the teaching profession. Who are the losers in that? The losers are the children. The real losers are the people of Ontario because those young people are our future and your government doesn't recognize that.

We've seen too this continual centralization of control and power at Queen's Park. That's a real shame. I come from the municipal level and I believe municipal governments and local governments are best because they're the governments that are closest to the people. What you've done is that you've effectively taken away the control of the directors of education and the school boards in this province and you are centralizing that control here at Queen's Park. That's a real shame because you can't continue to take this cookie-cutter approach in this province. What's best in the minds of the people here in Toronto and at Queen's Park isn't necessarily the best for the rest of the province. That attitude is going to have a detrimental effect on education in this province.

You've got tunnel vision, and with your blinders on you can't look at the full picture, at the cumulative effects of the damage you are doing to our education system, the constant attacks on school board administration, trustees, teachers and parents. Who are the losers in all this? It's the children. The children in this province are losing out, and that's a real shame. Unfortunately you don't recognize that, as a government, and that's going to really hurt us in the long run.

You talk in Bill 81 about school codes of conduct. Everything that's in this flimsy piece of legislation already is in place. These codes of conduct have been in place in schools since 1994, codes of conduct that have effectively governed the way students have acted in schools and that have given direction to principals, teachers and school board administrations on how to deal with those individuals who are problem students.

The former principal from Brant relayed a fact to me, that 79% of the parents previously surveyed supported the initiatives that were taken at the local level, initiatives that were doing the right thing for students, but now for some reason you think you've got to legislate this on a

province-wide basis with legislation that is really unneeded and unwarranted, because those initiatives have already taken place within the school boards themselves.

We talk about codes of conduct. I had the opportunity to look at a copy of a code of conduct that was sent home by St David Roman Catholic school in Dorchester from the London and Middlesex County Roman Catholic Separate School Board. It's interesting that this code of conduct talks about, "All school members shall treat others equally and fairly, regardless of age, sex, gender, religion, ethnic origin, sexual orientation or disability."

When is this government going to lead by example? When is this government going to ensure that barriers no longer exist in our schools, barriers like they have in Peterborough county, which I read about today, where two young students can't have access to their cafeteria because they're in wheelchairs and the cafeteria's in the basement of the school? When is this government going to act and remove those barriers from schools so that every student gets equal treatment in a school?

Look at the code of conduct that does not exist among the cabinet members of this government, at the disrespect they have and the heckling they do. Individuals who should be leading by example are not leading by example. How can you implement a code of conduct when you can't conduct yourself in a proper way in this Legislature?

2020

I talked about the barriers that exist in education. When are the ministers responsible for education and for disabilities issues going to get their act together and enforce the Eldridge decision, which would allow American Sign Language interpretation services to be available to all students? We talk about treating people equally in this province. This government is not leading by example when it comes to persons with disabilities; in particular, the most vulnerable persons with disabilities, the children. We want to see children have the best of everything and be treated equally. This government doesn't lead by any example when it comes to children in this province.

You talk about trying to instill respect with this code of conduct. Here we are, unfortunately, coming up on the fifth anniversary of the government. We look back one year ago to June 3. You talk about respect. Why don't some of you take a look at those pre-election commercials you were putting out, and those attacks you put out on the teaching profession? How is that supposed to instill respect among the students of this province? That did nothing but drive the wedge in further between teachers, students, parents, administration and school board directors. That's a real shame.

I want to close with this comment: Respect is earned, nurtured and cultured by a healthy learning environment and a good working relationship between students and their teachers, not by demoralizing staff, not by underfunding programs and not by publicly slamming the teachers of this province. Bill 81 is a very much unneeded piece of legislation. What's contained in this legislation exists already in the codes of conduct for schools.

The Speaker: Questions and comments?

Ms Martel: In response to the two speakers from the Liberal caucus, let me say the following: I think it's worth reinforcing again that six years ago, in 1994, the NDP government of the day required that all school boards in the province have codes of behaviour for their schools. At the time we would have acknowledged that many school boards and many schools already had that in place. It has been mandatory to have that across school boards and schools in this province over the last six years.

Why are we here tonight dealing with Bill 81, pretending that somehow this bill provides something new when it doesn't? That has been made clear by members of the opposition tonight. It has everything to do with the cuts the government has made to education in the last five years and the cuts it's making to education again this year in its estimates.

It's no secret that over the last five years the government has cut over \$1 billion from the education budget in this province. That has resulted in cuts to custodians, teachers, libraries, arts programs, music programs, guidance counsellors, cuts to a whole range of staff and support staff who make our schools safe, who ensure our schools are clean, who provide necessary supports to students, especially those students who have behavioural problems.

If you look in the estimates for this year, the government is making a cut in the education budget again. The estimates for 2000-01 show a cut to the Ministry of Education budget from the estimates for 1999-2000. Again this year schools will experience yet another cut to the education budget.

We should be here tonight talking about how those cuts have undermined the ability of school boards, teachers and principals to actually make their schools safe or to deal with children who have behavioural problems. When you cut psychologists and speech and language pathologists for our schools, when you cut guidance counsellors and social workers, you do nothing to deal with those students who are exhibiting behavioural problems, who are causing trouble in the schoolyard and in the class. By expelling them and saying they can't go to school any more in Ontario, we don't deal with these problems. The government should be here tonight trying to defend the cuts they have made, which are undermining safety in our schools.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It is a pleasure to make some comments with regard to some of the rhetoric the opposition has put on the floor tonight. First of all, I would like to address the comments from the member for Brant. He talked about love. Let me tell you that there is as much love, if not more love, on this side of the House as there is on that side of the House. I think love means many things to many people. I don't know how the member for Brant can start talking about love when we're talking about Bill 81.

With regard to the comments of the member for Elgin-Middlesex-London, I recall a number of years ago when

he was the mayor of a nice little community in south-western Ontario. The mayor used to complain about the high education tax levy on the municipal tax bill. I'm sure, for the member for Kingston and the Islands, we had the same comment. Consequently municipalities kept saying, "We have to bring the cost of education under control." This government had the intestinal fortitude to address the issue. It was not easy, but at least we did it.

Now we're complaining about the funding formula. I would ask the member for Elgin-Middlesex-London this: What is it you want? What is it you're looking for? What has the funding formula got to do with Bill 81? It has absolutely nothing to do with Bill 81. Bill 81 is legislation that gives clear, concise authority to deal with problems in the schools. Parents, whether you like it or not, are very supportive of Bill 81 because we are committed to providing quality, responsible, accountable education in the school system in Ontario. I know that for some members of the opposition that is not very palatable, but the reality is that is what Ontarians are looking for and that is what they're getting.

Mr John Gerretsen (Kingston and the Islands): The reality is that your government has cut \$1.6 billion out of the education budget. Walk into almost any school, certainly in my riding and I dare say in the province of Ontario, and you will find larger class sizes, fewer teaching assistants, fewer textbooks. You will find more overburdened staff. That is the reality of the situation.

The comments with respect to love, with all due respect, were intended to convey the message that if there's one thing we have not heard from your government and from your minister at all, it is a comment about respect for teachers. I find it very interesting that I had the opportunity over the past six months to go into about six or seven schools and speak to lots of teachers. I was there on teacher day, on principal-for-a-day day and on various other occasions as well.

I can't think of one teacher who had anything good to say about this government's initiatives. Generally speaking, they are totally demoralized. They are burned out, to a large extent. They feel that whenever the government needs a scapegoat for something or needs a group to beat up on, it is the teachers who are constantly getting it.

What we're saying on this side of the House is, try to build up that respect that all of us should have for the teachers, because they are, after all, the ones who deal with our children on a day-to-day basis, almost as much as their parents in the non-sleeping hours, as it were. It seems to me that you get a heck of a lot further by showing some respect and working together with teachers than by constantly attacking them.

Mr John O'Toole (Durham): It's my pleasure to comment on Bill 81. The Safe Schools Act is something that the minister clearly has announced several times is to try and find some balance in the school system. It really comes down to two words: "respect" and "dignity."

2030

One of the principals in my riding of Durham was part of forming a public meeting on the issue of having

balanced respect between students, parents and teachers. I give him a lot of credit. He had a school community council. One of the students there, Greg Kunderman, represented that part of it, and the parents, teachers and the principal. They came down to a couple of things. The important thing was that respect starts, I suspect, by those in authority. What the government is trying to say is that the highest order would be having some area where we can agree on things like the national anthem. I'm pleased that in this proposed piece the pledge thing is optional. Some of them will opt for that, to pay respect to the oath. As you know, Mr Speaker, the citizenship oath is what is referred to there.

Clearly we should have pride in the common things; for instance, our national anthem and our country. My son is in the armed forces and fights for our country, and I know it means a lot to him. There are a lot of things we agree on, and it's that, if you will, old order that we're looking for; it's respect for one another. This is a start in saying that our schools are a place of respect for one another. It certainly sends a message, and it's the duty of those in leadership to do just that.

The Speaker: Response?

Mr Peters: On behalf of my colleague from Windsor-St Clair, I'd like to thank the members for Nickel Belt, Lambton-Kent-Middlesex, Kingston and the Islands and Durham for their comments. In particular the comments by the members for Kingston and the Islands and Nickel Belt pointed out very clearly the serious and detrimental effects that the funding cuts have had in this province.

It really blows me away to listen to the member from Lambton-Kent-Middlesex. Talk about rhetoric coming out of my mouth. I don't know how the member from Lambton-Kent-Middlesex can stand up in this Legislature and defend a funding formula that's causing—how many schools are closing in your riding? The London Catholic school board needs a new school built in Strathroy, but the funding formula is not adequate to see that new school built. I can't believe how that member can try and defend the funding formula of this province.

It's interesting that the member for Durham wasn't even here to listen to the comments. I give him credit that he can jump up and spout off the party rhetoric and the party baloney. But as to the approach this government is taking of not allowing local school boards to make these decisions, of coming in with the sledgehammer, how is the sledgehammer supposed to impose respect and dignity on people in this province?

As I said, I started school in 1968 and O Canada was part of the school system then and it still is today. I graduated in 1982, and graduated from the University of Western Ontario following that. I'd like to know how you're going to enforce O Canada. The O Canada police? Boy, oh, boy, that's going to be a great one, to see how that's going to be imposed in the school—the O Canada police.

The Speaker: Further debate.

Mr Ted Arnott (Waterloo-Wellington): I'm very pleased to be in the House tonight to speak to Bill 81, the

schools bill, and to share my time with my good friend the member for Scarborough East, who will be speaking after me. I'm sure he'll give an outstanding and articulate speech, as he always does.

Respect and responsibility are important parts of ensuring that schools in our publicly funded education system are safe. With the introduction of the proposed Safe Schools Act, our government is taking the steps necessary to ensure that Ontario's school system is the safest and best it can possibly be.

If approved by the Ontario Legislature, Bill 81 will not only give authority to the provincial code of conduct released in April; it will also allow the government to proceed with a number of other initiatives that will promote respect, responsibility and civility in our classrooms.

I am certain that students, teachers, staff, parents and every member of this Legislature, regardless of where they live in Ontario, all agree that a safe school environment contributes to positive student learning and a quality education.

The proposed amendments directly address what people have been telling us they want in their schools. The government has heard the concerns over and over again about behaviour, about discipline, and especially about safety in our schools. If recent public opinion polls are accurate, and I would submit that in all likelihood they are, the vast majority of Ontarians are united on this issue and would support the passage of this bill. For that reason, I am perplexed by the attitude and the comments by some of the opposition members on this issue.

I remind the members of the opposition that this bill is in response to our Blueprint, our election platform that was released a year ago, in 1999. We committed in the Blueprint document to bring in a code of conduct. I remind the members opposite that we said: "We'll introduce a province-wide code of conduct for students that will set clear minimum standards for behaviour, and spell out the consequences for breaking the rules. This will mean all students will know what is expected of them, what is not acceptable, and what will happen if they cross the line."

I recall a year ago, when we were going around knocking on doors and engaging in our election campaign, that this was an issue that many voters in my constituency were very supportive of. It's a year later and we're bringing in the legislation. We certainly have a mandate to bring in legislation of this type.

The code of conduct that this bill would give force to, if it's passed by the Legislature, will provide everyone involved in publicly funded schools with a set of clear expectations for their behaviour. The code also clearly sets out mandatory consequences for students who commit serious infractions.

The code of conduct makes everyone's rights and responsibilities abundantly clear. Whether you are a student, a parent, a teacher, a principal, a school board or a community member, you will understand what your role is in the education system. When the rules are clear to everyone, students can concentrate on learning and teach-

ers can concentrate on teaching, which is of course what they do best.

Schools in Ontario are currently required to have their own codes of conduct, but there are many inconsistencies across the province and these codes do not always work as well as they could or perhaps should.

This bill, if passed, will ensure that there are clear province-wide standards, especially for the most serious infractions. We are hopeful that school boards will support our efforts to create a safer school environment through the passage of this bill. In addition to the province-wide code of conduct, boards will continue to establish their own procedures and set consequences for less serious infractions.

The code of conduct reinforces the principles outlined in the Ontario Charter of Education Rights and Responsibilities. The charter states: "Every student has the right to a safe learning environment; students have the responsibility to respect themselves and others within the education system; and teachers have the right to be able to maintain order in their classrooms." Certainly, most teachers would want that to be the case.

The code would make an expulsion hearing automatic for students who bring weapons on to school property, for example; provide drugs or alcohol to other students; commit physical or sexual assault or robbery; use or threaten serious harm with a weapon. Suspension would be the minimum penalty for possessing illegal drugs or alcohol, threatening or swearing at a teacher, vandalism and uttering threats to harm.

This legislation, if passed, clearly recognizes the role of parents, guardians and community members by ensuring that school councils will be involved when a school board is developing its own code of conduct and safe school policy.

People have told us they want classrooms that are conducive to a respectful learning environment and schools that promote responsibility on the part of our students. To accomplish this, teachers need to have the authority to take action in their own classroom, and principals need authority within their schools. If approved, Bill 81 will give teachers the authority to suspend students for one school day. Principals will continue to be able to suspend students, as is now the case, for up to 20 days. In addition, principals would be given the authority to expel students from their school for up to one school year, or they may continue to refer students for a board expulsion.

Every use of authority must be balanced with the appropriate due process. That is why the government has built in checks and balances in the form of due process. If passed, Bill 81 would give parents or guardians the right to appeal an expulsion by a school board or principal and a suspension by a principal.

Our consultations over the past two years tell us that people not only want consistent standards, respect and responsibility in the classroom; they also want supports for students who have been expelled or suspended. Sending

these kids out on to the streets only puts the problem somewhere else and creates other social problems.

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That's why Bill 81 also sets mandatory requirements for students who have been expelled to attend strict-discipline or equivalent programs in order to re-enter the regular school system. Most expelled students want to continue their education. By making a strict-discipline program or equivalent a condition of re-entry into the regular school system, we are providing the structured approach needed to help these young people turn their lives around.

We recognize that teachers can't teach and students can't learn if they fear for their safety. In too many classrooms across the province this is currently the case.

Amendments in Bill 81 would allow for such things as criminal background checks of anyone working in a school to ensure better safety of students, staff and volunteers.

Bill 81 would allow the government the authority to issue guidelines to school boards which would allow a majority of parents at any school in Ontario to have a dress code or require a uniform for their children. Many parents, students and teachers believe a school dress code or a uniform is a good way to encourage respect and responsibility and that it contributes to a safe school environment, and I agree with this.

To instill pride and respect, the proposed amendments would also require schools to include the singing of O Canada as part of their daily opening or closing exercises. Schools may also, at the discretion of their school councils, include the daily recitation of a pledge of citizenship, but this will be an optional thing.

The amendments in Bill 81 will build on previous reforms that we have made to ensure that Ontario's schools deliver the best education possible for all students.

Since 1995, our education reform agenda has aimed at ensuring that Ontario students have access to the best quality education possible. The key elements of education reform have been fair, student-focused funding; more resources in our classrooms; a new, rigorous curriculum; standard tests to show how students are doing; and standard report cards that parents can understand.

In conclusion, I want to say that we want our students to strive for excellence. We owe them nothing less than our best efforts to ensure their schools are respectful places that inspire and challenge them without any fear for their safety.

Mr Steve Gilchrist (Scarborough East): It's my privilege to rise and speak in support of the bill and to add a few comments to those that have already been offered.

I'm intrigued, as we listen to the debate—I guess not surprised, given the last five years and how often we have seen, in the course of what should be debate on the bill that is before us, the opposition ranging off on to any number of tangents. They want to talk about funding models, they want to talk about education cuts and school

closings and any number of other issues. The fact of the matter is that none of those things has anything to do with the bill that is before the House today. More than that, they're patently untrue. But we'll leave that for another discussion.

I was feeling very old when the member for Elgin-Middlesex-London suggested that some of the things in this act were unprecedented, were utterly unbelievable and unacceptable. Well, I say to the member, I started school in Ontario when it was still very much the practice to not only sing O Canada but God Save the Queen. It was mandatory, and it was mandatory in every school and every school board in Ontario.

I'm struck, as we go through this bill clause by clause, section by section, that there seems to be absolutely nothing that any parent in my riding has ever come and expressed concern about; in fact just the opposite. I recall when I was still in business, just two blocks away from Cedarbrae Collegiate. It was during the time of a previous government that shall remain nameless. But matters had gotten so bad at Cedarbrae and a number of other schools in Scarborough that the school board assigned full-time police officers to patrol the halls. There had been far too many assaults, far too many knifings, far too many demonstrations of clearly unacceptable behaviour, and so the school board, perhaps belatedly, but to their credit, finally brought in the police. Day after day Metro police walked the halls of Cedarbrae Collegiate, and that went on for months and months. One by one culprits were identified. One by one Scarborough expelled the students who were the worst troublemakers. Finally, Scarborough saw that Cedarbrae and the other schools had turned around to the point where they didn't need the police officers.

But for someone to suggest here that that was an acceptable status quo, that it was not appropriate for the school board to step in and institute a code of conduct, is utterly unacceptable to every parent in my riding, and it's unacceptable to the students who are responsible, who go to those schools to get an education so that they can go out into the workforce and thrive. The fact of the matter is that we're talking about a very small percentage of students who would ever set foot in class who would be affected by a bill like this. But that just demonstrates the importance of passing this bill. It is incredible that the members opposite would allow the other 99-point-something per cent to have their education prejudiced at the hands of those who would disrupt class or display other antisocial behaviour.

It goes far beyond just vandalism. It came to the point that students felt threatened going to school. Many changed to private schools. Others switched to the separate school board system, thinking that might offer greater protection, and because they wore uniforms and because they had a different and stronger code of conduct, it probably was not an inappropriate decision for parents and students to make. We would like to think that every school in Ontario deserves the same protection. But it shouldn't be up to the whim of school board trustees or

the whim of the individuals in any one community to make a distinction and to say that their students do or do not have the privilege of a safe day in school.

Let's just go through the key elements of this bill. We get two-minute responses from four individuals after everyone presents, and I'd really like to know which of the following clauses the opposition members disagree with. When someone misbehaves in class, the bill would give teachers the authority to suspend a student for a day. You've committed some antisocial behaviour, you've disrupted the class. You haven't assaulted someone. It isn't extraordinarily serious, but it's serious enough for the teacher to take exception and to recognize that his or her work is being impeded, and the teacher would have the authority to send a very strong message to that student that that behaviour is unacceptable and suspend them for a day.

For the more serious issues, for cases of assault, for cases of students caught carrying weapons in school, principals would have the authority to expel students from the school for up to one school year. Tell me, stand here and tell the people of Ontario that you think there should be no consequence for walking into a high school with a weapon; that you think no principal should have the ability, for the other 1,200 or 1,500 or 1,800 students, to say to that student who has committed that offence, "You are out, and you're out into a more disciplined environment, where we're either going to drill into you the rights and the wrongs or you're going to continue outside of the school board," if in fact they were to repeat the offence in a subsequent year. That still allows parents and guardians all of the remedies available under law to seek a review of any suspension or expulsion.

Mandatory requirements for students who have been expelled to attend strict-discipline or equivalent programs: Again, to Scarborough's credit, when they cracked down on the schools that were the most troublesome, at the same time they implemented a strict-discipline alternative. It did not mean that students, when kicked out of high schools, were simply allowed to roam the streets or go to video arcades or go skateboarding. It meant that they had to go into an environment where they were impressed with the fact that there was no free lunch, there was no easy ride; in fact it became far tougher for them than it would have been if they had behaved and stayed in the normal school environment. We are not letting any student off the hook. We are not going to avoid our responsibility to make sure that every student in Ontario has an equal opportunity to get an education, even those who misbehave and demonstrate antisocial behaviours.

So every school board has a role to play in this. We've heard far too often in this chamber that somehow we're micromanaging the education system from Queen's Park. Again, this bill makes it very clear that it will be up to the school boards alone to determine the specific remedies, the specific methodology with which these problem students will be dealt.

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It's going to allow the majority of parents in any school to decide on a dress code or a uniform for their children. We've heard on far too many occasions from the other side that we're a government that pays less than full fealty to the principles of democracy. We've been told that far too many times and yet once again in a statute we're bringing forward, which they oppose, we propose to let the parents of the students in any school be the sole arbiters of whether or not a uniform or any kind of dress code would help the environment in that school, would improve the environment, would make it more conducive for education and might cut the costs for parents who are having to pay the outrageous prices for certain brands. I won't name the brands here, but we all know the popular runners and the popular ski jackets. There's a lot of peer pressure in school, and one of the most compelling arguments in those schools that have moved to a dress code is that the richest and the poorest student look exactly the same. It eliminates that peer pressure, and for a vast segment of our society it removes a pressure to spend on frivolous and unnecessary articles of clothing money that I'm sure they can put to better use.

This bill would allow criminal background checks of anyone working in a school and give principals authority to deny access to anyone who poses a threat to school safety. Again, if they can stay on topic in their response, I want to know which member on the other side disagrees with that section? Which member opposite wants a convicted pedophile to be a teacher in a school or to be a janitor or to have access to anything? Which member opposite disagrees on the necessity of a criminal background check for anyone having day-to-day exposure to students? Obviously, if someone is found to have committed any kind of act that could be seen as prejudicial to the safety of students, they wouldn't be considered appropriate employees for the school.

The last section would require, in the closing exercises of schools, to go back to the system we had for decades: the singing of the national anthem, O Canada. Much has been said about the citizenship oath, but I would draw to the attention of members opposite that it is still an option under the act to sing God Save the Queen. So again, the parent councils, the parents in that school community would be in a position to decide, in addition to O Canada, that it builds character and promotes good citizenship either to recite the oath or perhaps to sing God Save the Queen, if that was their collective wish. Again, what member opposite believes that offering that democratic opportunity to the parents in each school is inappropriate or unwarranted?

I reflect back to those years when, despite all the best efforts of the principals and teachers at schools like Cedarbrae—and I knew them all, or certainly most if not all of them, and had many opportunities to deal with them at the store but also sponsoring scholarships at the school and going over and giving lectures on business to some of the classes there. I know they were pained that

there was no power to enforce the kind of good conduct we're talking about and trying to promote with this bill. They were hamstrung by a system that forced them to resort to calling in the police as the only remedy before them. That's not appropriate. We don't want the image of police officers walking down the halls of our schools. We believe we can trust the principals and the teachers. They will apply good judgment, as they do in so many other areas, to the sort of discipline that needs to be in place to guarantee that every student in the province has access to a quality, safe education.

The Speaker: Questions and comments?

Mr Gerretsen: Let me first of all say to the last member who spoke that there isn't a person here who would suggest that a pedophile be allowed to teach in school or that a student be allowed to carry on a criminal activity. Nobody is suggesting that. By your own admission, the problems at Cedarbrae, if I understood you correctly, were dealt with by the school board.

What we're simply saying on this side is that school boards already have a lot of the powers you're talking about in this bill. What we have seen with this legislation and with other legislation is that these pieces of so-called tough legislation are just used, in effect, to hide what's really happening, and that, sir, is where the \$1.6 billion you've taken out of the education budget of this province is hurting our children.

It's very easy to get up and say, "For the students that they're having a tough time with in school, the school boards should set up discipline programs." Where is the funding for that? The problem is that with everything you're trying to do, you're trying to micromanage the entire system. All the powers are already there. You don't need this act; you don't need any of it at all. Yet somehow you're trying to make people believe that this will make schools better. In our opinion what will make schools better is a much better relationship between teacher, parent, pupil and government, and on your side of that equation, you have certainly let the teachers, the parents and the students down. That's the real problem.

Ms Martel: It's a real joke that the Conservative members would come here tonight and try to pretend there's something new in this bill that isn't already in place in schools and school boards across the province. Many schools, many school boards had codes of behaviour instituted right across their systems before 1994. But in 1994, six years ago, that became mandatory. So we are speaking here tonight about policies, rules and systems that have been in place at least since 1994 and probably long before that in many schools and many school boards. There's nothing new in Bill 81 that changes what has gone on, that changes the policies around code of conduct and code of behaviour that have been in place in a mandatory way since 1994.

Secondly, with all due respect to the member for Waterloo-Wellington, it is really simplistic to suggest that if you sing O Canada or you have school uniforms or you have a pledge of citizenship, somehow that's going to result in respectability, responsibility and civility in the

class. I wish that were so, but let's not be so simplistic as to assume that some of those measures are going to do something about students who have behavioural problems in the class.

Thirdly, I think it would be common across any school and school board right now that a student would be suspended if they carried a weapon on to school property, if they sexually assaulted another student, if they physically assaulted another student, if they tried to traffic in drugs or alcohol, if they committed a robbery—all those things that the member for Scarborough East asked if are we opposed to. Give me a break. Right now principals would suspend a student in two seconds flat if they did any of those things. So again, to try to pretend that this bill does something new around that is really ridiculous.

You guys should come here tonight and defend your cuts, because your cuts to speech pathologists, special ed and all those other things are what's really undermining school safety.

Mr Tascona: I'm pleased to join in the debate. The members for Scarborough East and Waterloo-Wellington have certainly addressed the bill and its merits. It's not something new, but there's an important area I want to address that I think there's consensus on around here: concern about crimes that occur just outside the school. There is concern out there, and I think it's shared by everybody. I just want to deal with that.

On September 1, 1998, this government proclaimed An Act to promote public safety through the creation of community safety zones. Bill 26, the Highway Traffic Amendment Act (Community Safety Zones), allowed municipalities to designate through a bylaw portions of roadways where public safety was of concern. In these zones near schools and playgrounds, moving offences such as speeding and careless driving can be subject to increased fines that under provincial jurisdiction. Possession of illegal drugs and/or weapons are Criminal Code offences, and the sentencing provisions are under the jurisdiction of the federal government. Establishing a new provincial offence in addition to sentencing under the Criminal Code would obviously be legally problematic and subject to Charter challenges.

But we're addressing safe schools, in terms of the Safe Schools Act, which would require school boards to establish policies and guidelines governing codes of conduct and safe school policies in schools, with the involvement of school councils. It also requires school boards to review their policies and guidelines re codes of conduct and safe schools. When doing so, they must seek the views of students, teachers, staff, volunteers working in schools, parents and guardians, school councils and the public. It requires the principal of the school to involve school councils when developing or revising school codes of conduct and the school's safety policies. So certainly there is a framework in place in terms of a team approach to dealing with this issue.

The government has also made a commitment to develop a provincial protocol that will provide a framework for how police and school staff respond to incidents at

school. This protocol, a collaboration between the ministries of the Solicitor General and Education, will be developed in consultation with police services boards, school boards, principals and the special education community.

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Mr Mario Sergio (York West): I have a brief two-minute comment on Bill 81, which I would call another of those useless bills that the government keeps introducing under the false pretense of trying to do something. If there is one bill among the many they have introduced that has nothing clear, nothing consistent and nothing concise, this is the one.

They should be telling the public, the parents, the trustees, the school councils, the principals and the teachers how they are going to deliver good education or good teaching for kids, or how to impart some of the rules they have introduced with this bill. The bill, as it is now, and I think the members of the government side realize this though they don't want to admit it, is full of euphoria but it's very short on details.

Let me read from one of the paragraphs they don't want to address for a particular reason. What they say is that the principals "may," but when it suits the government, when it suits the minister, they say, "must." If we want to give them specifics, then put in the bill itself what we expect from the principal, the teachers, the parents and those school councils. Let's not leave the door open for decisions they can make behind closed doors and then come out any time they want and say, "This is what we want you to do."

I don't think this is teaching a good way or is protecting the teachers or students or the way education has been conducted in Ontario. I think the government's still got a lot to do with this bill.

The Speaker: Response?

Mr Gilchrist: I certainly appreciate the comments from the members for Kingston and the Island, Nickel Belt, Barrie-Simcoe-Bradford, and York West.

It will make interesting reading, for anyone wanting to review the Hansard from tonight, comparing it against the vote because we've heard from the three opposition members that there's no point in passing this bill because everything in it is already being done. If I'm to follow them, they will be voting against the status quo. You will disagree with it even if it is the practice, codifying it, making it clear to all the school boards, giving some specificity to what is currently a situation that is pretty nebulous out there and certainly fraught with the ability for individual boards to make up their own rules.

Both parties stand there and say: "We agree with protecting students. We agree with criminal background checks. We even agree with things that will promote good citizenship. But we're going to vote against the bill because that's the label we wear as the opposition. The merits of a piece of legislation don't matter. It doesn't matter if it actually benefits students or makes it simpler, more efficient and more effective for the school boards, for the principals and the teachers. Like sheep, we are

going to slavishly follow our House leaders and we will vote against this bill."

That's what will occur when this bill comes back for third reading, you can bet your bottom dollar. They can pull all the rhetoric out of the air that they want, but the reality is that they will be voting against the very protections they say are in place all across Ontario.

I'm here to tell them that all school boards are not similarly equipped to provide that safe education. This bill is important. It gives co-ordination. It guarantees that every student has access to a safe and quality education in the province of Ontario.

M. Lalonde: Je dois dire, au sujet du projet de loi 81, que c'est regrettable que l'on doit débattre un tel projet ici même à cette assemblée. Je crois que c'est une perte de temps; nous aurions pu concentrer notre temps sur d'autres projets qui étaient plus urgents que celui-ci que nous débattons ce soir.

La raison pour laquelle je dis que c'est une perte de temps est que ce projet de loi-là, le contenu du projet, apparaît déjà dans d'autres projets de loi qui ont été déposés, soit dans le projet de loi 55, qui est la responsabilité parentale, soit dans le projet de loi 74, que nous débattons encore à la chambre.

Mais on aurait dû investir d'avantage dans l'avenir de notre jeunesse. Je dois dire qu'actuellement le code de conduite existe déjà dans nos écoles. Peut-être qu'il n'existe pas dans les secteurs urbains, mais je dois dire que dans le secteur rural il existe depuis 1994 sur demande du gouvernement du temps. Ce projet de loi que nous débattons ce soir va non seulement détruire ce que nous avons déjà en place, mais il va mettre en doute ce que le gouvernement a passé dans le passé, va mettre en doute les conseils scolaires, les conseils d'étudiants, la sûreté provinciale de l'Ontario et les communautés où sont situées nos écoles, tous ceux qui ont pris le temps de passer des heures et des heures pour définir le code de conduite pour ces écoles rurales.

Je regarde ici le code de conduite de l'école secondaire L'Escale. Il se lit comme suit: « Ce code de conduite a été développé en consultation avec les élèves, les parents et le personnel enseignant afin de préciser les attentes face au comportement des élèves et identifier les conséquences appliquées de la loi de l'éducation. Le savoir-vivre et la sécurité sont les raisons d'être de toutes les façons à faire à l'échelle. »

Lorsque je regarde le code de conduite que j'ai avec moi de deux écoles, j'aurais pu dire encore que nous aurions dû investir ailleurs. Je regarde ici un document que j'ai reçu de la part d'une M^{me} Marguerite Tessier. Son fils, Benjamin Tessier, est de l'école Pleasant Corners à Vankleek Hill. Elle me disait que son enfant de 12 ans avait beaucoup de difficultés d'apprentissage, mais que le conseil scolaire n'avait pas les argentés nécessaires pour transporter son enfant à Ottawa, qui était la place la plus près.

Ensuite, j'ai ici un document assez volumineux qui demande—encore une fois le manque de financement—le financement que nos conseils scolaires dans les régions

ont dans le moment. Nous avons un gros problème dans le secteur rural, surtout dans le domaine de la dyslexie. Nous avons de plus en plus de jeunes qui ont de la difficulté à lire ; c'est un problème de vision qui est très difficile à améliorer. Mais c'est seulement des écoles privées que nous pouvons fréquenter, et cela coûte au-delà de 10 000 \$ par année. Le gouvernement n'a pas les argentés nécessaires pour venir en aide aux conseils scolaires.

Je vais continuer avec le code de conduite, mais encore là, avant d'y aller, si nous n'aurions pas procédé avec des coupures de 1,6 \$ milliards, peut-être qu'on aurait les argentés nécessaires pour venir en aide de ces enfants-là qui sont en difficulté.

Je réfère au projet de loi 74 : Lorsqu'on dit que dans le projet de loi, loi mise en vigueur pour dissimuler la réduction en salles de classe, nous parlons de réduire le nombre d'élèves en moyenne de 21 aux écoles secondaires et de 24 dans les écoles élémentaires. Mais est-ce la façon de laquelle nous voulons procéder dans le moment, en expulsant des étudiants ou des élèves des écoles pour en réduire le nombre ? Je ne crois pas que ce soit la façon idéale. Ces jeunes-là que nous devons actuellement faire procéder à l'expulsion sont des jeunes qui demandent de l'aide.

On doit investir dans l'avenir. Je peux vous donner un exemple. J'avais un programme à un certain temps, sur la rivière Outaouais, du nettoyage de la rivière. Nous avons embauché 12 jeunes, qui étaient des jeunes délinquants, qui étaient en difficulté. Puis mon contremaître a congédié une de ces personnes-là, la laissant aller. Je l'ai appelé dans mon bureau et je lui ai demandé ce qui était survenu. Il m'a raconté l'histoire. Le jeune, depuis l'âge de 12 ans, était mis sur la rue, mis à la porte par ses parents. Donc les jeunes d'aujourd'hui à l'école, si nous en avons discuté, c'est parce qu'ils ont vraiment besoin de l'aide. Le financement gouvernemental n'est pas là pour venir en aide de ceux et celles qui ont besoin de ce financement.

Je vais donner la chance à ma collègue d'Ottawa-Vanier de continuer avec le « pourquoi nous sommes contre ce projet de loi 81 ».

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Mrs Claudette Boyer (Ottawa-Vanier): It's with pleasure that I rise tonight to share my concern regarding Bill 81, the Safe Schools Act. Unfortunately, once again this government has missed the mark when it comes to our children's education.

Il semble que ce gouvernement n'est pas assez maître dans l'art de donner des coups d'épée dans l'eau. Sa décision d'imposer un code de conduite provincial en est une preuve. Encore une fois, ce sont des mesures qui créent l'illusion que le gouvernement agira dans l'intérêt des élèves alors qu'elles ne font rien pour régler les véritables problèmes.

Serious problems require serious solutions. This government is wasting its time if it thinks that this going to convince Ontarians that this bill will make our schools safer. It will do nothing of the sort.

Les Ontariens et Ontariennes savent déjà depuis 1994 que des codes de conduite sont déjà en vigueur dans nos écoles à travers la province. Nos étudiants et nos étudiantes savent déjà que les infractions sérieuses engendreront des punitions convenables.

Believe me, this legislation adds nothing new. All schools are already required to have a code of conduct and safe school policies, and that code of conduct does not stay in the principal's office. This code of conduct is sent to parents for them to read and to sign and to acknowledge what is in the code of conduct.

What is most disturbing about this "tough on crime, tough on kids" agenda is that it is nothing more than mere smoke-and-mirror legislation. It offers nothing in terms of counselling for troubled youth, improving education, diminishing class sizes, more teachers, better infrastructure, and the list goes on. Instead, this government is content to introduce Bill 81, hoping it will divert attention from the results of its \$1.6 billion in education spending cuts. This government cannot have it both ways. If it wants our students, on the one hand, to grow in a safe learning environment, it cannot, on the other hand, cut funding to the very programs which provide for this type of environment.

Ce gouvernement essaie de nous convaincre que c'est en punissant nos élèves qu'ils et elles deviendront de meilleurs citoyens, de meilleures citoyennes. Ce n'est pas le cas. Les élèves ayant de sérieux problèmes de comportement ont plutôt besoin de programmes spéciaux et de l'appui de spécialistes—des ressources qui disparaissent, malheureusement, à cause des compressions budgétaires de gouvernement Harris.

J'ai aussi de fortes réticences face au pouvoir accru qui permettrait aux enseignants et aux enseignantes de suspendre un élève car cette mesure rend le personnel enseignant très vulnérable à des poursuites de toutes sortes.

Let me tell you, teachers in my riding have told me that they don't want the power to suspend and principals don't want the power to expel. In putting forth Bill 81, this government is abdicating its responsibilities to the students of Ontario. Discipline in our schools is necessary but we cannot be satisfied that it is enough. A safe learning environment requires more than scaring our students into acting properly for fear of being reprimanded. It requires that our educators have at their disposal the necessary resources available to assist those with serious behavioural problems in order that they be given a chance to succeed and go on with their life. Even the most naive kindergarten student must be dumbfounded when trying to understand the logic of this government. Do the members on the other side of the House truly and honestly believe that forcing students to sing O Canada each and every morning, or having the option to recite the pledge of allegiance, will do more to make our schools safe than providing adequate funding for child psychologists, more teachers and better resources? Where is the logic? Where is the so-called common sense of which this government speaks so highly and frequently?

En adressant l'Assemblée législative ce soir, je tente de faire entendre raison à ce gouvernement avant qu'il n'adopte ce projet de loi. Mais trop occupée à donner des coups d'épée dans l'eau, je suis inquiète que ce gouvernement risque encore une fois de ne rien entendre.

Believe me, Bill 81, the Safe Schools Act, is truly long on talk but so short on detail.

Mr Gerretsen: I'm very pleased to join the debate on this particular bill. I guess I'll be the last speaker this evening, from the look of the clock anyway.

Let me just start off by saying that I don't think there's anybody in the House who wouldn't want to have a school environment where everyone behaved themselves, where teachers could spend all of their time teaching our students and where you wouldn't deal with the kind of problems that are indicated in this bill.

I guess the problem we have on this side of the House is that this bill is so much like, for example, the squeegee bill, in which the government was intending to be tough on crime. So what do we do? We start picking on squeegee kids. Then the government said, "We want to really do something for victims," so they passed a Victims' Bill of Rights. Now I guess that bill may very well be unconstitutional, from some of the comments that have been made, and certainly doesn't provide victims with any engrossed rights that they don't already have.

We view this bill in much the same light. Everyone, obviously, is in favour of having a certain code of conduct in schools. The problem with this bill is it already exists. Most school boards have adopted these kind of policies, and they seem to be working quite well. The member from Scarborough East even acknowledged here tonight that they had a problem at a high school close to his place of business, and the school board, perhaps belatedly in that particular case, took action and they dealt with the problem. That's exactly where it should be. We seem to forget in this House that school boards have been around for a lot longer than local governments, have been around for a lot longer than provincial governments. We've had school governance in this province ever since about 1835. I think if we just left school boards to look after the mandate for which they were elected—they are an elected body of people in exactly the same way that we are, in exactly the same way that federal politicians are, in exactly the same way municipal politicians are. They are accountable to the public.

What you have done with each successive piece of education legislation is taken more and more power away from them. It's reached a point now where school boards really are totally powerless, from what I can see. There are very few issues that they can still get involved in. For a government that allegedly was elected on the basis that you preferred smaller government, you seem to be taking more and more control of different aspects of our community life—in this case, education within the Ministry of Education. I think that's what most people have a problem with.

The other thing, of course, that is closely tied into this is the whole funding for education. I know that whenever this is raised, the members on the other side don't want to hear about it. But if they really believe that by taking \$1.6 billion out of the education budgets of this province—and all one has to do is compare the estimates for the year 1995 to now and you will clearly see that \$1.6 billion has been taken out. You can also go and talk to the various boards, you can talk to the teachers, and you'll find out that the classes are much larger, by and large; that there are many fewer educational assistants within our system; that there are certainly fewer resources for music teachers, phys ed teachers, special education teachers and adult education. There are many people who are now prevented from attending adult education programs because the boards simply cannot fund the programs they were accustomed to some four or five years ago.

When you put it all together, we on this side have come to the conclusion that all of these various pieces of legislation may hit the right button with the public initially because it looks as if you're doing something about it, but when you examine them closely, you're not doing anything meaningful at all. That is the problem with this particular legislation.

As has already been said, we made a suggestion that you create safe school zones in which basically you say, within a five- or a 10-block area of a school property, that if a crime is committed, the fines or the punishment be doubled. This is obviously an attempt to deal with drug pushers, any kind of assault offences and things along that line. We suggested that and we would have preferred to have seen something to that effect in this legislation. Certainly school authorities have told us that's where they feel a lot of the problem lies. The real question to you, the government, is, why aren't you doing something about that? Why don't you create these safe school zones? It's my understanding, for example, that in the regional municipality of Peel these safe school teams have been adopted. They're made up of teachers, psychologists and other professionals to make sure that positive environments are created in response to problems within schools.

This entire bill is about funding and about the lack of funding for our school system. That is what you're hiding here.

There's another very interesting section that I haven't heard anybody talk about at all, and that is section 315, which is on page 13 of the bill, in which the minister in this act is able to "collect and by regulation require boards to collect such personal information" as she may specify by regulation about persons and the classes of persons for the following purposes and that "the information is to be collected:

"1. To ensure the safety of pupils.

"2. To administer programs, courses and services to pupils who are suspended or expelled."

It appears to us that this gives the minister and the boards unusual powers to collect information, and we

really don't know what it's going to be used for. I certainly hope that during the clause-by-clause hearings that are going to take place, and perhaps by way of the public hearings that are going to take place, although they undoubtedly will be few in number, the ministry will give a good explanation as to why this is necessary. It seems to us another attempt really by the government to perhaps try to get information about students that would seem to be unnecessary, and the question will be for what purposes it is being collected.

Finally, let there be no mistake about it: The kinds of offences or the kinds of situations that are referred to in this bill as giving the principal the power to suspend I

don't think anybody would disagree with. The seven instances that are referred to, and they've been referred to earlier as well, are all basically criminal offences. To suggest that members on this side are somehow against the establishment of these principles is totally erroneous and false. What we are clearly saying is that the principals and the school boards already have the powers currently to deal with the instances that are talked about in this bill.

The Speaker: It being almost 9:30, this House stands adjourned until 10 o'clock tomorrow morning.

The House adjourned at 2125.

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